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ABSTRACT

This document is a compilation of California Education Code sections which set forth powers or duties of the Board of Governors or Chancellor's Office. Each power or duty is separately identified, followed by comments on the extent to which the mandate is being complied with, what the problems with compliance are, and recommendations as to changes that might be made in the mandate. A subject matter index to the mandates is included and sections which are considered to need amendment or repeal are identified. Extensive legislative coverage is provided in the following areas: adult education, allowances, apportionments, average daily attendance, the Community College Construction Act, credentials, educational programs, handicapped students, minimum standards, and organization/reorganization of community college districts. (Author/ME)

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EDUCATION CODE MANDATES OF THE BOARD OF GOVERNORS AND CHANCELLOR'S OFFICE:

COMMENTS ON COMPLIANCE AND RECOMMENDATIONS FOR CHANGE

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JC 790 294

CALIFORNIA COMMUNITY COLLEGES

MARCH 1979

MANDATES OF THE BOARD OF GOVERNORS AND
CHANCELLOR'S OFFICE:

COMMENTS ON COMPLIANCE AND
RECOMMENDATIONS FOR CHANGE

This document is a compilation of Education Code sections which set forth powers or duties of the Board of Governors or Chancellor's Office. Each power or duty is separately identified, followed by comments on the extent to which we are complying with the mandate, what the problems with compliance are, and recommendations as to changes that might be made in the mandate. A subject matter index to these mandates commences on page 107.

Sections identified by an asterisk (*) in the left hand margin are ones which we are seeking to have amended or repealed through current legislation (AB 1549, Vasconcellos).

Throughout the document there are references to AB 1648 (Greene and Vasconcellos). This bill is being carried to implement the permissive code.

1. EC 60 - This section authorizes members of the Board of Governors to administer and certify oaths relating to officers or official matters concerning public schools.

   Comment: None

   Recommendation: None

* 2. EC 1243 - This section requires the county superintendent of schools to make reports to the Board of Governors when so directed. If he fails to do so the Board is authorized to inform the county auditor, who shall deduct $100 from the county superintendent's salary.

   Comment: We have never used the authority of this section. It was former section 803 which related to the Superintendent of Public Instruction. The county superintendent only has minimal reporting responsibilities with respect to community colleges.

   Recommendation: The Board of Governors should be deleted from this section.

* 3. EC 1244 - This section requires the county superintendent to annually (not later than July 15) submit to the Board of Governors a complete report of the attendance credited to the public schools of the county for the school year closing June 30. Forms for the reports must be furnished by the Board.

   Comment: This section was former section 804 which addresses the responsibility of the Superintendent of Public Instruction. The Board (Chancellor's Office) no longer receives attendance reports from the county superintendent.

   Recommendation: The Board of Governors should be deleted from this section.

* 4. EC 1245 - This section requires each county superintendent to submit such additional reports as may from time to time be required by the Board of Governors.

Comment: None

Recommendation: This section should be amended to require the county superintendent to submit such reports as the Board may require.

5. EC 1246 - This section authorizes the county superintendent of schools to destroy certain records of his or her office in accordance with regulations of the Board of Governors.

Comment: The Board has adopted such regulations in Title 5, sections 59020 - 59029.

Recommendation: None

6. EC 1330 - This section requires the Chancellor to represent and exercise all rights of appeal on behalf of school employers concerning unemployment insurance. The cost of these services are to be paid from the Classified School Employees Fund, and the Chancellor is authorized to obtain pertinent personnel records and data from any school employer.

Comment: We are operating in compliance with this section. We may need additional legal staffing for this function in the future; and the funding for this work may soon be insufficient.

Recommendation: None

* 7. EC 1604 - This section prohibits any monies from being expended from the County School Service Fund for any purpose in excess of the latest proposed expenditures for such purpose unless approved by the Board of Governors.

Comment: Neither the Board of Governors nor the Chancellor was intended to have jurisdiction over the County School Service Fund. The Board was mistakenly written into this section when the code was reorganized.

Recommendation: The Board's role should be deleted from this section.

* 8. EC 1710 - This section prohibits the transfer of educational programs for physically handicapped, educatable mentally retarded, trainable mentally retarded, regional occupational centers, or regional occupational programs already in operation in school districts or community college districts without the approval of the Board of Governors. This prohibition only relates to programs which are under the jurisdiction of the county superintendent of schools through the County School Service Fund.

Comment: Neither the Board of Governors nor the Chancellor was intended to have jurisdiction over the County School Service Fund.

Recommendation: The Board's role should be deleted from this section.

9. EC 2100 - This section requires the county superintendent of schools of each county in which there is not a community college to annually certify certain items to the board of supervisors and county auditor in accordance with rules and regulations which the Board of Governors is authorized to adopt. The Board is to define the terms "current total expense of education" and "actual expense of transportation."

   Comment: The Board has not adopted such regulations. However, the Fiscal Services Unit has adopted the following forms for the implementation of this section:

   (a) CCAF 135 - CCC Request for Verification
   (b) CCAF 136 - List of Nondistrict Students
   (c) CCAF 137 - Claim for Community College Tuition
   (d) CCAF 138 - Statement of Cost (defines "current total expense of education" and "actual expense of education."

   Recommendation: This section should be dealt with in connection with the Finance Study.

10. EC 2110 - This section requires the Board of Governors to furnish the forms and prescribe the procedures required of community college districts and county superintendents under the article relating to the Community College Tuition Fund.

    Comment: We have furnished the forms (see Comment on section 2100) and prescribed the procedures, as required by this section.

    Recommendation: None

11. EC 2111 - The last paragraph of this section provides for a General Fund appropriation each year to the Board of Governors in the total of the amounts reported to them by each county superintendent of schools pursuant to this section.

    Comment: There has been no appropriation pursuant to this section for many years.

    Recommendation: This section should be dealt with in connection with the Finance Study.

12. EC 2300 - This section requires the Board of Governors to make apportionments of County Forest Reserve School Money in the event that both or all county boards of education can not first come to agreement on how such funds are to be apportioned.

    Comment: None

    Recommendation: The Board should delegate this responsibility to the Chancellor.

13. EC 4280 - This section requires the Board of Governors to: (a) determine policies for, direct, and govern a statewide survey of all school districts for the purpose of effecting feasible unifications or other reorganizations of school districts; (b) approve plans formulated by county committees for the unification or other reorganization that the school districts prior to the submission of the plans to the people of the areas affected for approval; (c) establish standards which shall be applied and approving plans for unification or other reorganization of school districts; and (d) utilize the resources, records, and personnel of the Chancellor's Office whenever advantageous in carrying out the provisions of this section.

Comment: Other sections of the Education Code (71063, 74000, 74100) require us to fulfill these functions, and we have so fulfilled them. The Board of Governors has not conducted a statewide survey of all school districts.

Recommendation: None

* 14. EC 4312 - This section provides that a county committee of school district organization of a county or a county board of education may petition the State Board of Education or the Board of Governors for an order that the county board of education act as the county committee of school district organization pursuant to Education Code section 4310. The Board of Governors must approve or reject the petition within 90 days of receipt.

Comment: Sections 4310 - 4312 were not intended to be applicable to community colleges. We currently do not approve or reject these petitions. AB 1648 would repeal this section.

Recommendation: Sections 4310 - 4312 should be amended so as to delete the role of the Board of Governors.

* 15. EC 4320 - This section requires each county committee to study the school district and community college district organization of the county and, under the direction of the State Board of Education or the Board of Governors, as the case may be, formulate plans and recommendations for unification or other reorganization of the districts and the county. Final plans and recommendations are required to be submitted to the State Board of Education or Board of Governors, as the case may be.

Comment: This section is obsolete as to the Board of Governors.

Recommendation: This section should be amended so as to delete the role of the Board of Governors.

16. EC 4329 - This section also requires the State Board of Education or the Board of Governors, as the case may be, to approve or reject plans of a county committee which propose changes in the boundaries or status of school districts or community college districts under the jurisdiction of the superintendent of an adjacent county.

Comment: None

Recommendation: None

17. EC 4400 - This section requires the State Board of Education or the Board of Governors, as the case may be, to give notice of approval to the county superintendent of schools having jurisdiction over any of the districts whose boundaries or status are affected by the reorganization or unification as approved.

Comment: None

Recommendation: None

18. EC 4419 - This section provides that if plans and recommendations for school district organization are approved by the Board of Governors, but are not approved by electorate, then any new plans and recommendations must be subsequently approved by the Board of Governors prior to putting such plans and recommendations before the electorate again.

Comment: None

Recommendation: None

19. EC 8005 - The California Advisory Council on Vocational Education is authorized to make recommendations to the Board of Governors, State Board of Education and the California Postsecondary Education Commission. This section requires the State Board, the Board of Governors and CPEC to either accept or reject each recommendation made by the Council, and to immediately return to the Council any recommendation which has been rejected, together with the reasons for the rejection.

Comment: We are in general compliance with this section. A state advisory body is required as a condition of receipt of Federal vocational education funds.

Recommendation: None

20. EC 8007 - This section requires that the Department of Education and the Board of Governors have a vocational education staff responsible for the design, implementation, and maintenance of a basic integrated statewide information system for vocational education and technical training. Specific data gathering and analysis capabilities are set forth in this statute.

Comment: We are generally complying with the specific responsibilities which are set forth in this section.

Recommendation: The words "Board of Governors" should be replaced by "Chancellor's Office," because the vocational education staff is in the Chancellor's Office.

21. EC 8020-8035 - These sections relate to the Regional Adult and Vocational Education Councils (RAVEC's). Agency positions need to be established with respect to whether there is a need for a regional mechanism such as RAVEC's, what the role and function of such regional entities should be, and how these regional mechanisms are to be funded. While RAVEC's were not funded this year, it is possible that they could file a claim with the State Board of Control, since they are still mandated to perform specified functions.

Comment: None

Recommendation: The subject of RAVEC's should be addressed in separate legislation this year.

22. EC 8020 - This section requires the Superintendent of Public Instruction and the Chancellor to approve the boundaries of RAVEC's. It also requires the Superintendent and Chancellor to jointly publish guidelines for application by school districts and community college districts for the formation of RAVEC's.

Comment: We have complied with this section by approving boundaries of RAVEC's and jointly publishing guidelines for application.

Recommendation: None

23. EC 8023 - This section requires the Superintendent and the Chancellor to prescribe and publish regulations for RAVEC's.

Comment: We have adopted such regulations in Title 5, sections 11610-11631, and section 55650.

Recommendation: None

24. EC 8028 - This section requires each RAVEC to submit to the Superintendent and Chancellor a delineation of function agreement, and an articulation agreement.

Comment: RAVEC's have submitted these agreements.

Recommendation: This section or the regulation (Title 5, 11624) needs to be amended to provide further definition as to what a delineation of function agreement is and what an articulation agreement is. It would probably be easier to amend the regulation.

25. EC 8029 - This section requires RAVEC's to recommend plans and offerings which they have reviewed for approval for state apportionment. The Superintendent and Chancellor are required to jointly promulgate regulations regarding criteria to be used by the Council in reviewing courses and making recommendations for approval or disapproval of state apportionments. Final course approvals for eligibility for apportionments is the responsibility of the Superintendent and Chancellor, respectively. Districts may appeal the decision of a RAVEC to either the Superintendent or Chancellor, according to procedures specified in the statute.

Comment: The regulations adopted by the Superintendent and Chancellor set forth criteria to be used by councils in reviewing courses in making recommendations for approval or disapproval of state apportionments. The appeal procedure has been implemented in the Title 5 regulations, and there have been a few appeals taken to the Superintendent or Chancellor.

Recommendation: None. The subject of RAVEC's should be dealt with in separate legislation.

26. EC 8031 - This section requires each RAVEC to annually file, before June 30, a plan for the short-term of improvement of vocational and continuing education with various governmental entities, including the Board of Governors.

Comment: A few short-term plans have been filed; staff of the Department of Education had been doing some minimal evaluation.

Recommendation: None. The role and fate of RAVEC's should be addressed in separate legislation.

27. EC 8033 - This section requires each RAVEC to annually file, before June 30, a report of its activities with various governmental agencies, including the Board of Governors.

Comment: Some RAVEC's are filing these annual reports; however, we are not using such reports for any significant purposes.

Recommendation: None. The role and fate of RAVEC's should be addressed in separate legislation.

28. EC 8034 - This section requires the Superintendent of Public Instruction and Chancellor to provide information relative to unnecessary duplication for the use of the RAVEC's. The Superintendent and Chancellor are further authorized to prescribe additional regulations to prevent unnecessary duplication, to facilitate organization, to specify reporting procedures, and to insure public input and access to all RAVEC decisions.

Comment: We've provided some information (minimal) relative to duplication for the use by RAVEC's, but we haven't prescribed further regulations in the areas noted above.

Recommendation: None. The subject of RAVEC's should be addressed in separate legislation.

* 29. EC 8035 - This section requires the Chancellor and Superintendent to submit to the legislature, by August 1 of 1976, a report regarding the establishment and operation of RAVEC's.

Comment: This report has been filed.

Recommendation: This section should be deleted.

30. EC 8092 - Community college districts are authorized to contract with a private postsecondary school to provide vocational training. This section requires all such contracts to be approved by the Chancellor's Office, according to rules and regulations adopted by the Board of Governors. This section also authorizes the Board of Governors to audit the account of both the community college district and the private party involved in such contracts.

Comment: The Board has adopted regulations in Title 5, sections 55600 - 55631. The extent to which districts forward their contracts to us for approval is uncertain, and this office has not undertaken close scrutiny of such contracts prior to approval. We have never yet audited the accounts of either a community college district or a private party involved. The Auditor General has recently released a report on vocational education contracting which further evaluates our performance of these statutory requirements.

Recommendation: Title 5 requirements should be strengthened, and the Chancellor's Office should review these contracts more closely prior to approval. The whole subject of state financing for contracted instruction should be considered as part of the Finance Study.

* 31. EC 8100 - This section authorizes the Superintendent of Public Instruction or the Board of Governors to approve courses of vocational training for the purposes of loans authorized by section 7185 of the Financial Code.

Comment: This section has never been used by community colleges. It's a K-12 carryover. Financial Code section 7185 authorizes savings and loan associations to make loans for the payment of expenses of college or university education, and of vocational education. This section is derived from former section 269, which was added in 1972, and only spoke of the Superintendent of Public Instruction.

Recommendation: The Board's approval role should be deleted from this section.

32. EC 8123 - This section requires the Chancellor to designate a representative who will participate on the State Occupational Informational Coordination Committee (SOICC).

Comment: This section was added by AB 2020, which became effective January 1, 1979. The representative has been designated.

Recommendation: None

33. EC 8125 - This section requires the Chancellor's Office to be responsible for the production of uniform public and private educational supply information concerning the number of students and trainees in courses related to each job category that is offered in the community colleges.

Comment: Again, this responsibility became effective January 1, 1979. The effect of this mandate may be lessened by section 8133.

Recommendation: We should ask for funding in subsequent budgets so that we may provide the service. This funding should be in connection with budget requests for the information system.

34. EC 8129 - This section requires the Chancellor's Office and other agencies to jointly develop and produce, to the extent feasible, other data required for the California Occupational Information System.

Comment: The effect of this mandate may be lessened by section 8133.

Recommendation: None

35. EC 8132 - This section requires the Chancellor's Office, along with other agencies, to annually report to the Legislature, not later than the fifth legislative day, on the progress made toward the establishment of the California Occupational Information System.

Comment: Our first report will be due in January, 1980.

Recommendation: None

36. EC 8133 - This section requires the Chancellor's Office as well as other agencies to seek and obtain federal and private funds to the maximum extent possible in order to achieve the responsibilities specified in AB 2020. The Chancellor's Office, as well as the other agencies, are then charged to perform their functions to the maximum extent possible with the appropriations and funds that they have been able to so obtain.

Comment: To the extent that we are unable to obtain Federal and private funds, we will not be required to fulfill the requirements of Education Code sections 8123-8133. VEDS (Vocational Education Data System) funding from the federal government may not be forthcoming.

Recommendation: None

37. EC 8256 - This section requires the Superintendent of Public Instruction to establish standards for the qualification of child development facilities as places of instruction and on the job training in the pre-school and child development services for persons fulfilling requirements for teaching credentials and permits and persons enrolled in child development courses. These standards are subject to approval by the Board of Governors and CSUC Trustees.

Comment: The Board has not approved the standards prescribed by the Superintendent of Public Instruction.

Recommendation: The Board should approve the standards adopted by the Superintendent of Public Instruction.

38. EC 8500-8537 - These sections relate to adult education in California, especially the delineation of functions between K-12 and the community colleges.

Comment: The delineation of functions problem continues to be unresolved, and this office should be taking steps to resolve it.

Recommendation: Whether districts are complying with these delineation of function provisions, especially sections 8512 and 8530-8537, should be a subject of monitor and review by this office. Adult education issues should be considered and resolved as a part of the Finance Study.

39. EC 8512 - This section, in essence, prohibits the payment of apportionments unless adult education classes are being offered pursuant to whatever mutual agreements may be required.

Comment: This office has required districts, as a condition of receiving apportionments, to certify that they have complied with provisions which require mutual agreements.

Recommendation: If we establish a monitor and review process, compliance with this section should be included.

40. EC 8537 - This section provides that if a mutual agreement cannot be reached by district governing boards, the points of disagreement shall be resolved by the State Board of Education and the Board of Governors.

Comment: The Chancellor's Office and Department of Education have been involved in a few resolutions of mutual agreement problems. Most disagreements are probably not brought to the Board of Governors or the State Board of Education.

Recommendation: The Chancellor's Office and Department of Education should resolve mutual agreement problems, not the state boards. This should be accomplished by a Board delegation of authority to the Chancellor, rather than by a change in statute.

41. EC 10101 - The Commission for Teacher Preparation and Licensing is required to annually report to the Legislature on the status of local, state and federally funded bilingual cross-cultural teacher preparation programs. The Board of Governors, by November 15 of each year, is required to report to the Commission for Teacher Preparation and Licensing with reference to community college programs in bilingual, cross-cultural teacher training. Subjects have reporting are specified in statute.

Comment: We have not provided this annual report to the Commission for Teacher Preparation and Licensing. We were criticized in the Legislature last year because of our failure to do so. No staff person presently has the assignment in this area, although we currently are requesting such a position in our budget. The Program Approval Unit reports that because of the Donahoe Higher Education Act, the community colleges are doing little in the way of bilingual, cross-cultural teacher training.

Recommendation: We should provide the November 15th report.

42. EC 10105 - This section requires the Board of Governors to establish a policy of recruitment and appointment of professors of bilingual, cross-cultural education by June 1, 1974.

Comment: We have not established such a policy.

Recommendation: The Board should adopt such a policy.

43. EC 10201 - This section requires the Board of Governors to cooperate with the Department of Education, the University of California and the California State University and Colleges to develop and expand programs in family life education as a part of their secondary and elementary teacher education curriculum.

Comment: We have adequately met this mandate. AB 1648 would repeal this section.

Recommendation: This mandate should be repealed, at least as to the Board of Governors, because it is not appropriate to mandate Board action in this isolated program area.

44. EC 10401 - School districts, community college districts, or schools within local districts are authorized to enter into cooperative or contractual arrangements with business, industry, or others within the community for improvement of the local education program. Such arrangements may include evaluation, planning, cooperation in the operation of educational programs, and use of non-certificated personnel, including the elderly, youth, college student and other non-professionals. The intent is to encourage local school districts and community college districts to improve their educational systems and to enrich their educational offerings by using, whenever possible or appropriate, resources which exist in the community. This section also requires that the State Board of Education or the Board of Governors, as the case may be, to approve such cooperative agreements.

Comment: We have not received any requests for approval under this section. AB 1648 would repeal and add this section to delete the approval roles of both the Board of Governors and State Board of Education. Sections 10401-10407 were derived from former sections 1068 et. seq., which were added in 1968. Those sections did not address the Board of Governors, they mistakenly included the Board when the code was reorganized.

Recommendation: The approval role of the Board should be deleted. The Board's Legislative Committee rejected this recommendation.

45. EC 10402 - This section requires that approval of cooperative agreements by the Board of Education or Board of Governors be based upon the recommendations of the Superintendent of Public Instruction or the Chancellor, as the case may be.

Comment: AB 1648 would repeal this section. See also EC 10401.

Recommendation: The Board's role in this section should be deleted because this authorization was never intended to apply to community colleges. The Board's Legislative Committee, however, rejected this recommendation.

46. EC 10404 - This section requires the Department of Education or the Board of Governors to select a consultant to assist local districts in the preparation of proposals to be submitted to the Board. The consultant is also directed to assist Superintendent of Public Instruction and the Chancellor in establishing rules, regulations and guidelines for proposals of cooperative improvement programs, and to evaluate the progress of such programs once underway.

Comment: Such a consultant has not been selected by this agency. Regulations have not been adopted, and cooperative improvement programs are not being evaluated. If there is a consultant, he or she is probably with the Department of Education. AB 1648 would repeal this section. It was never meant to apply to community colleges. See also EC 10401.

Recommendation: This section should be repealed. The Board's Legislative Committee, however, rejected this recommendation.

* 47. EC 10405 - This section requires the Department of Education and the Board of Governors to encourage and seek out assistance for colleges and universities in order that college and university programs may be functional and effectively integrated with, and provide assistance to, the public schools.

Comment: We have not undertaken specific activity to fulfill this mandate. AB 1648 would repeal this section.

Recommendation: This section should be repealed. Its mandate is already part of our responsibilities under Education Code 71023, 71064 and 71070.

* 48. EC 10407 - This section authorizes district governing boards to request a waiver of any section or sections in the Education Code relating to the educational programs or administrative functions described in section 10400 if such waiver is necessary to establish a cooperative improvement program. The Board of Governors is authorized to grant, in whole, or in part, request for waivers.

Comment: This section was never intended to apply to community colleges. AB 1648 would technically amend this section. See also EC 10401.

Recommendation: References to the Board of Governors should be deleted from this section. The Board's Legislative Committee rejected this recommendation.

49. EC 10504 - This section deals with the establishment of regional educational data-processing centers. Such eligible data-processing centers are entitled to state funding. This section requires, as a condition of eligibility, that center possess equipment, personnel and funds position, as determined by regulations of the State Board of Education or the Board of Governors, to convert and correlate basic source material to data-processing forms by use of a basic data system.

Comment: This agency has not adopted regulations for such data processing centers. Other sections pertaining to this subject (Education Code 10500 - 10507) speak only to the responsibilities of the State Board of Education and school districts. This was intended to have K-12 applicability only.

Recommendation: The responsibility of the Board of Governors should be deleted from this section.

50. EC 10915 - Education Code sections 10900 - 10916 relate to the establishment of community recreation programs. Cities, counties, school districts, and community college districts are encouraged to organize, promote, and conduct such programs of community recreation as will contribute to the obtainment of general educational and recreational objectives for children and adults of the state. This section, authorizes the Board of Governors to advise and assist public school and other authorities in establishing, developing, and maintaining the system or systems in recreation.

Comment: We are not assisting and advising public school and other authorities to any appreciable extent. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

51. EC 10916 - This section requires each community college district, by August 31st of each year, to report to the Chancellor's Office on expenditures made from the proceeds of the tax authorized by Education Code section 85110 in the preceding fiscal year. The report is also to include other related information as determined by the Chancellor's Office. Finally, the Chancellor is required to annually submit to the Legislature a summary of the contents of the district reports which have been submitted to it. This section only remains in effect until December 31, 1978.

Comment: Districts report according to this section on forms CCC 455 and CCAF 307. We have submitted a report to the Legislature on fiscal years 1975-1976 and 1976-1977. Since the statute repeals itself this December 31, we don't need to do anything about it.

Recommendation: None

52. EC 12020 - This section designates the State Board of Education as the state educational agency to carry out the purposes and provisions of Public Law 815 and Public Law 874 of the 81st Congress. The Board of Governors is required to provide advice and recommendations as to the allocation of such funds to the community colleges.

    Comment: P.L. 815 is not being used by community colleges. P.L. 874 is only being used by about 3 districts.

    Recommendation: None

53. EC 12210 - This section requires the Chancellor to administer federal funds allocated to public community colleges to the extent permitted by federal law.

    Comment: None

    Recommendation: None

54. EC 12220 - This section vests the Chancellor and the Board of Governors with all the necessary power and authority to cooperate with the government of the United States in the administration of any act of Congress, or rules and regulations adopted thereunder, which are to be administered in the state by the Board or the Chancellor.

    Comment: None

    Recommendation: None

55. EC 12302 - This section authorizes the Chancellor to submit claims to the Controller so that specified federal monies may be expended.

    Comment: We have never submitted such claims to the Controller.

    Recommendation: None

56. EC 14020 - This section requires the Chancellor to certify various types of ADA for the prior fiscal year to the Controller, who then makes a transfer of the necessary monies from the General Fund to Section B of the State School Fund.

    Comment: None

    Recommendation: This section will need to be addressed in the long term finance legislation.

57. EC 14021 - This section requires that the amount transferred to Section B of the State School Fund under section 14020 must be adjusted for errors in average daily attendance reported in prior fiscal years. The Chancellor must certify to the Controller the adjusted average daily attendance figures.

Comment: None

Recommendation: This section will probably need to be addressed in the long term finance legislation.

58. EC 14022 - This section requires the Chancellor to certify the preceding fiscal year's ADA to the Controller for purposes of a foundation program adjustment. The Controller will then make the appropriate transfer from the General Fund to Section B of the State School Fund. The Chancellor is then directed to apportion and disburse these funds as an increase per unit of average daily attendance in the foundation program.

Comment: None

Recommendation: This section will probably need to be addressed in the long term finance legislation.

59. EC 14041 - This section requires the Controller to draw warrants on the State Treasury in favor of the County Treasurer of each county in each month, according to the amount certified by the Chancellor.

Comment: None

Recommendation: This section will probably need to be addressed in the long term finance legislation.

* 60. EC 14042 - This section requires that funds are to be paid out by the Controller in the event the Chancellor fails to make the necessary certifications.

Comment: Subsection (a) of this section speaks only of the Superintendent of Public Instruction. It needs to be amended to include the Chancellor.

Recommendation: Subsection (a) should be amended to include the Chancellor. This section will probably otherwise need to be addressed in the long term finance legislation.

* 61. EC 15700-15795 - These sections relate to the State School Building Aid Law of 1949. Those provisions which establish responsibilities for the Board of Governors are as follows:

EC 15704 requires the State Allocation Board to establish priorities for allocating funds to districts for facilities. The Board of Governors is required to assist and cooperate with the Allocation Board in determining priority ratings.

EC 15706 requires the Board of Governors to approve school sites as well as the planning and construction, reconstruction and alteration of school buildings or facilities prior to allocations being made by the State Allocation Board.

EC 15712. This section requires the Board of Governors to report to the State Allocation Board whenever it (the Board of Governors) finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined.

EC 15719 prohibits apportionments for new construction from being made by the State Allocation Board whenever there is more than 80 square feet per pupil in the district, based on estimated enrollment figures. The enrollment figures must be approved by the Board of Governors.

EC 15727 requires approval by the Board of Governors before any apportionment may be made for the construction, reconstruction, or alteration of school buildings.

Comment: These provisions no longer have any remaining applicability to community colleges.

Recommendation: These sections should be made inapplicable to community colleges.

62. EC 16000-16386 - These sections relate to the State School Building Aid Law of 1952. Those provisions which relate to the Board of Governors are as follows:

EC 16007 requires the Board of Governors to assist and cooperate with the State Allocation Board in determining priorities for allocating funds to districts.

EC 16014 requires the Board of Governors to approve school sites; the purchase of desks, tables, chairs and other movable furniture and equipment; and the planning and construction, reconstruction, alteration of, and additions to school buildings.

Comment: These provisions no longer have any applicability to community colleges.

Recommendation: These provisions should be made inapplicable to the community colleges.

63. EC 18101 - This section requires the Board of Governors to adopt standards, rules, and regulations for school library services for community colleges.

Comment: The Board has not adopted such standards, rules and regulations, except that section 51400 of Title 5 requires each community college to have adequate working collections of books for each major field of curriculum. New acquisitions are to be made in accordance with student enrollments.

AB 1648 would repeal this section and reenact it as section 19201.

This section was formerly section 7050.1 which was added in 1970 and which only addressed the State Board of Education. Community colleges were mistakenly included when the code was reorganized.

Recommendation: Language requiring the Board of Governors to adopt standards, rules and regulations should be deleted. This recommendation was rejected by the Board's Legislative Committee.

64. EC 18121 - This section requires community college districts to be accountable for the proper care and preservation of school libraries of the district, and authorizes districts to make all necessary rules and regulations not provided for by the Board of Governors.

Comment: AB 1648 would repeal this section and reenact it as section 19221. This section was formerly section 7153 (added in 1970), which only addressed the State Board of Education and the Superintendent of Public Instruction. Community colleges were mistakenly included when the code was reorganized.

Recommendation: Language regarding rules and regulations of the Board of Governors should be deleted. This recommendation was rejected by the Board's Legislative Committee.

65. EC 18122 - This section requires the governing board of community college districts, on or before August 31st, to report to the Board of Governors on the condition of school libraries for the preceding year ending June 30th. The report is to contain such statistical and other information as is deemed desirable by the Board of Governors, and the Board may send question blanks so as to obtain the material for a comparative study of library conditions in the state.

Comment: Districts do not report on the conditions of their libraries, nor do we send out forms, nor do we do a comparative study of library conditions in the state. AB 1648 would repeal this section and reenact it as section 19222. This section was formerly section 7154, which addressed only the Department of Education.

Recommendation: This section should be amended so as to be made inapplicable to community colleges. This recommendation was rejected by the Board's Legislative Committee.

66. EC 66013 - This section requires each segment of public higher education to strive for excellence in its sphere.

Comment: None

Recommendation: None

67. EC 66700 - This section requires the Board of Governors to prescribe minimum standards for the formation and operation of public community colleges and exercise general supervision over public community colleges.

Comment: The parameters of this duty are not set forth in statute, and are thus unclear. Other related sections which require the Board to establish minimum standards for formation and operation of the colleges are: EC 74100 (formation of districts), EC 71025 (minimum standards entitling districts to receive State aid), EC 71066 (student academic standards relating to graduation requirements and probation, dismissal, and readmission policies), EC 71068 (standards for the employment of academic and administrative staff),

and EC 78405 (standards of attendance, curriculum, administration and guidance and counseling services for the receipt of state aid for classes for adults). The Board has adopted minimum standards in all these areas listed above.

As to exercising general supervision over public community colleges, it is very difficult to assess whether the Board is meeting this responsibility.

Recommendation: None

68. EC 66800 - This section relates to interstate attendance agreements, and encourages the Board of Governors to include the educational needs of, and facilities available and, territory adjacent to California in their planning. It further encourages the Board to make use of those needs and facilities to the extent possible in the conduct of community college education in California.

Comment: None

Recommendation: None

69. EC 66801 - This section authorizes the Board of Governors to enter into an interstate attendance agreement with any statewide public agency of another state which is responsible for providing instruction in grades 13 and 14. These agreements must contain a provision that no additional state funds will be required to carry out the provisions of the agreement.

Comment: The Board is presently engaged in only a few interstate attendance agreements.

Recommendation: None

70. EC 66802 This section authorizes community college districts to participate in interstate attendance agreements entered into by the Board of Governors, provided that they notify the Board by filing a resolution to that effect.

Comment: We don't have any such resolution on file.

Recommendation: None

* 71. EC 66804 - This section authorizes the Board to adopt rules and regulations to implement Education Code provisions on interstate attendance agreements. The Board is to file a report on the operation of these statutes regulating interdistrict attendance agreements on or before January 8, 1975.

Comment: The Board has adopted regulations in Title 5, sections 54300-54340. The Board has not filed a report on the operation of the statutes.

Recommendation: This section should be amended so as to delete the Board's reporting obligation.

72. EC 66903 - This section gives CPEC the power to require the governing boards of the segments of postsecondary education to develop and submit to the Commission institutional and systemwide long-range plans in the form determined by the Commission.

Comment: Our 5-Year Plan is in general compliance with this section. We did not do a 5-Year Plan Update last year.

Recommendation: None

73. EC 66920 - This section provides that the Board of Governors, in cooperation with the CSUC Trustees and UC Regents, may support existing and additional programs which provide postsecondary educational opportunities and services for prison inmates, wards, and parolees of the Department of Corrections and the California Youth Authority. Supportable programs include academic anx vocational programs at the postsecondary level; information, counseling and tutoring services; cooperative efforts linking postsecondary education programs with potential employers of exoffenders; and research and alternative methods of assessing academic abilities of inmates and alternative ways of making available education to inmates.

Comment: There has been some activity by the Chancellor's Office and Board in this area. A few districts do have programs for inmates. We are currently working with CPEC on its study of inmate education.

Recommendation: None

74. EC 67003 - This section vests the Board of Governors with the power and authority to perform all acts necessary to receive the benefits of the Higher Education Act of 1965 and subsequent amendments.

Comment: None

Recommendation: None

75. EC 68044 - District governing boards are required to adopt rules and regulations relating to residency. Those regulations must not be inconsistent with those adopted by the Board of Governors. See also section 68090, which establishes a similar mandate.

Comment: The Board of Governors has adopted rules and regulations relating to residency in Title 5, sections 54000-54082. Whether regulations adopted by districts are not inconsistent with the Board's regulations is not known.

Recommendation: Possibly district regulations on residency is something that should be monitored and reviewed.

76. EC 68100 This section allows a district to classify a student as a district resident if the student lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, or if the student himself or herself earns a livelihood primarily by performing agricultural labor for

hire in Califonia and other states. The Board of Governors is required to adopt rules and regulations for implementation of this section.

Comment: The Board has adopted such regulations in Title 5, section 54039.

Recommendation: None

77. EC 68130 - This section authorizes governing boards (defined to include the Board of Governors) and district governing boards to waive non-resident tuition in whole or in part pursuant to Education Code section 76140.

Comment: The reference to "governing boards" was most probably meant to refer to the UC Regents and CSUC Trustees, and not the Board of Governors. This ambiguity has not created problems, however.

Recommendation: None

78. EC 68133 - This section requires that if an action concerning residency is brought against a district governing board, the district must inform the Board of Governors. The Board of Governors must then inform the UC Regents, the CSUC Trustees, and the Board of Governors of the California Maritime Academy regarding the pending litigation.

Comment: We are in compliance with this section, at least when community college districts notify us of litigation they are involved in.

Recommendation: None

79. EC 69643 - This section requires the Board of Governors to appoint nine members of the Advisory Committee on Extended Opportunity Programs and Services.

Comment: The Committee has been appointed.

Recommendation: None

80. EC 69644 - This section requires the Board of Governors to designate a chairman and vice-chairman of the EOPS Statutory Advisory Committee.

Comment: The Board has made these designations.

Recommendation: None

81. EC 69646 - This section requires the EOPS Statutory Advisory Committee to review annually and report to the Board of Governors the progress made under statutes establishing EOPS. The Chancellor is made the Executive Secretary of the Committee, and is required to report to the Board of Governors on actions of the Committee, and, at the recommendation of the Committee, the Chancellor is to make recommendations to the Board.

Comment: These mandates are being carried out.

Recommendation: None

82. EC 69648 - This section requires the Board to adopt rules and regulations necessary to implement the EOPS statutes, including regulations which prescribe the procedure by which districts identify eligible students, establish minimum standards for the establishment and conduct of programs, and require the submission of such reports by districts as will permit the evaluation of the programs and services offered.

Comment: The Board has adopted such rules and regulations in Title 5, sections 56200-56296.

Recommendaton: None

83. EC 69649 - This section authorizes community college districts to initiate specified extended opportunity programs, provided they have the approval of the Board of Governors.

Comment: This section has been implemented.

Recommendation: None

84. EC 69650 - This section authorizes community college districts, with the approval of the Board of Governors, to establish specified extended opportunity services.

Comment: This section has been implemented.

Recommendation: None

85. EC 69652 - This section permits community college districts to apply to the Board of Governors for an allowance to meet all or part of the cost of establishing and operating extended opportunity programs or services. These applications are to be submitted in accordance with rules and regulations adopted by the Board, which may also specify the content of applications and the procedures for review, evaluation and approval.

Comment: The Board has adopted such regulations in Title 5, sections 56200-56296. This section has been implemented.

Recommendation: None

86. EC 69653 This section provides that all future applications for EOPS funding shall be subject to approval by the Board of Governors. Upon approval, the Board certifies apportionments to the Controller.

Comment: This section has been implemented.

Recommendation: None

87. EC 69654 This section requires the Board to review the need for state funds to carry out purposes of the EOPS program, and requires the Board to include an estimate of such need in its budget for each year.

Comment: This is done.

Recommendation: None

* 88. EC 71001 - This section provides the terms for Board members are four years, and that the Board shall annually select two of its members to serve as Chairman and Vice-Chairman respectively.

Comment: The Board currently elects a president and vice president, instead of a chairman and vice-chairman.

Recommendation: The section should be amended to indicate president and vice-president instead of chairman and vice-chairman.

89. EC 71002 - This section requires that members of the Board be selected from outstanding lay citizens of California who have a strong interest in the future development and improvement of the public community colleges.

Comment: None

Recommendation: None

90. EC 71020 - This section gives the Board the power to adopt such rules and regulations not inconsistent with law, as are necessary for its own government and to enable it to carry out all powers and responsibilities vested in it by law.

Comment: If there is a specific statute which directs the Board to do something, it may use this section to establish rules and regulations to enable it to meet that statutory mandate.

Recommendation: None

91. EC 71023 - This section states legislative intent that the Board of Governors shall provide leadership and direction in the continuing development of community colleges. The work of the Board must at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the community colleges.

Comment: This section expresses the essence of the Board's role.

Recommendation: None

92. EC 71024 - This section vests the Board of Governors with all powers, duties, responsibilities, and jurisdiction with respect to the management, administration and control of the community colleges, which was previously vested in the State Board of Education, Superintendent of Public Instruction, and Department of Education prior to January 1, 1977.

Comment: In some ways this section is unnecessary, since in the reorganization of the Education Code the Board of Governors was expressly vested with particular powers and duties. Thus, this general transfer of power section may no longer be needed.

Recommendation: None

93. EC 71025 - This section requires the Board of Governors to adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of community colleges.

Comment: The Board has adopted such standards in Title 5, sections 51000-51826, and 53000-53004. Minimum standards are thus established for the instructional program, faculty, standards of scholarship, facilities, counseling services, degrees and certificates, minimum class size, new colleges and educational centers, open courses, and affirmative action and equal employment opportunity programs. See also the comment and recommendation in connection with Education Code 84373.

Recommendation: All current regulations establishing minimum standards for receipt of state aid should be reviewed. Many seem to be vague and too general. We should also go through the other parts of Title 5 and decide which regulations should be designated as minimum standards. Provisions for sanctions, including partial withholding of apportionment, should be developed. Finally, these are standards which need to be periodically monitored and reviewed.

* 94. EC 71026 - This section requires the Chancellor's Office to annually investigate each community college to determine whether it has met the minimum standards prescribed by the Board pursuant to section 71025, the preceding section.

Comment: This office has no procedure for annually investigating each community college for compliance with minimum standards.

Recommendation: This office should develop a procedure for investigating the community colleges for compliance with minimum standards. Instead of annually investigating each community college, statutes should be changed to require a periodic investigation of each community college. Such investigation, including the timetable for review, should be accomplished in accordance with rules and regulations of the Board.

* 95. EC 71027 - This section requires the Board of Governors to establish criteria and standards for graded (credit) classes in grades 13 and 14.

Comment: The Board has established criteria and standards for graded classes in Title 5, sections 55001-55002.

Recommendation: This section should be amended to require the Board to establish criteria and standards for credit and noncredit classes. Reference to graded classes, and grades 13 and 14 should be deleted. Compliance with the Title 5 sections, as well as Education Code section 78201.5 (which defines a "credit" course) should be monitored and reviewed by this agency.

96. EC 71028 - This section requires the Board of Governors to review and approve academic master plans and master plans for facilities for each community college district. Each district is directed to annually submit changes in its approved academic master plans for approval to the Board of Governors. Master plans for facilities submitted pursuant to the Community College Construction Act (Education Code 81800 et. seq.) satisfy the facilities aspect of this section.

Comment: The Board has adopted regulations for master plans in Title 5, sections 55400-55405. The regulations are general and fairly sketchy, but establish timelines, establish the contents of the plans, and provide a procedure for review and approval. The regulations specify no criteria for our review. Our review has historically been cursory.

Recommendation: The master plan review process should be substantially augmented so that the program approval process can be streamlined. It should incorporate course and program approval as well as interdistrict arrangements (see Education Code 71064 and 71075). Each year, in the early fall, a district should provide an annual update of its master plan, including its plan for new courses or programs which will be offered in the coming year. The Chancellor's Office should review these plans, paying close attention to the new courses and programs the district anticipates offering. If the Chancellor's Office approves the district's annual master plan update, the district could go ahead and offer the new program or course as soon as the district approved that program or course in accordance with standards and guidelines adopted by the Board of Governors. As such, we would not review and approve specific courses and programs which have already been approved in the district's master plan update. Districts would simply approve the courses and programs in accordance with our standards, and report to us the fact that they had approved the course or program. If the course or program was not addressed in the district's annual master plan update, the district would have to use the regular program approval process of this office. Finally, in our monitor and review process, we would check district programs and courses to see that they were approved in accordance with guidelines and standards established by the Board of Governors. This recommendation could be accomplished with or without a change in statute. The Program Approval Unit believes it would be best to change the process administratively.

* 97. EC 71029 - This section requires the Board of Governors to prescribe regulations under which contracts, agreements, or arrangements may be made with agencies of the federal government; or funds, services, commodities, or equipment to be made available to schools of the community college system. EC 71030 requires that all such contracts be entered into in accordance with rules and regulations established by the Board of Governors.

Comment: The Board has not adopted rules and regulations to implement these statutes. AB 1648 would repeal this section and section 71030.

Recommendation: This section and section 71030 should be repealed. There is no compelling reason for us to regulate such contracts.

* 98. EC 71031 - This section authorizes the Board of Governors to enter into an agreement with the government of the United States relative to the establishment of courses of study in aeronautics in community colleges.

Comment: We have never entered into such an agreement.

Recommendation: This section should be repealed. The Board implicitly has this authority, and also could enter into such agreements pursuant to Education Code 71033.

* 99. EC 71032 - This section authorizes the Board of Governors to enter into agreements with any agency of the federal government for the education of persons in the service of the federal government in colleges under the jurisdiction of the Board of Governors.

Comment: We have never entered into such contracts.

Recommendation: This section should be repealed. The Board already has this authority implicitly and expressly (Education Code 71033).

100. EC 71033 - This section authorizes the Board of Governors to enter into agreements with agencies of the federal government, county superintendents of schools, county boards of education, and other specified agencies for the performance of any services for such agencies by any college under the jurisdiction of the Board of Governors.

Comment: Again, no one knows of any contracts that we have entered into pursuant to this section.

Recommendation: None

101. EC 71034 - This section requires the Board of Governors, not later than July 25th of each year, to prepare an estimate of the amount of state school money that will be apportioned to each community college district during the current school year, and to furnish a certified copy of the estimate to each community college district.

Comment: We are doing this through our procedure for the advance apportionment (Education Code 84320).

Recommendation: None

* 102. EC 71035 - This section authorizes the Board of Governors to conduct experimental work in education through various media, including radio and television.

Comment: We are not doing this. AB 1648 would repeal this section.

Recommendation: Since we don't really need this authorization to conduct experimental work, it should be repealed.

* 103. EC 71036. This section authorizes the Board of Governors to develop audio and visual curriculum materials, evolve means and methods, and prescribe standards, for the use of such materials in the community college districts.

Comment: This section goes along with EC 71035. We have not developed such audio and visual curriculum materials, nor have we prescribed standards for the use of such materials by the community colleges. AB 1648 would repeal this section.

Recommendation: The section should be repealed because the authorization is unnecessary.

* 104. EC 71037 - This section requires the Board of Governors to employ such persons as are necessary for the coordination and supervision of services for hard-of-hearing children.

Comment: This mandate is a carryover from Department of Education responsibilities. We can assert that we are meeting it in connection with our two specialists for the handicapped, and our activities under AB 77. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

105. EC 71038 - This section authorizes the Board of Governors to enter into agreements for the exchange and employment of persons serving as instructors in colleges under the jurisdiction of the Board of Governors.

Comment: We have not used this authorization in the past.

Recommendation: We should look into exchange in employees with the community colleges.

106. EC 71039 - This section authorizes the Board of Governors to establish, in the Chancellor's Office, a school library consultant service to assist and advise local community college districts in the establishment, development, and improvement in school libraries.

Comment: We have not established a library consultant service. Education Code sections 18101 and 18102 seem to require the Board to be involved in library services. AB 1648 would repeal this section.

This section was formerly section 369, which addressed the State Board of Education and the Department of Education. It did not address the Board of Governors. We have never established such a consulting service.

Recommendation: This section, as well as section 18102 and 18122, should be repealed or amended so as to delete Board and Chancellor's Office responsibilities. The Board's Legislative Committee rejected this recommendation.

107. EC 71040 - This section, effective January 1, 1979, permits the Board of Governors to provide reimbursement for student travel expenses for specified activities (Chapter 1128, Statutes of 1978).

Comment: The Board has, by Title 5 regulation, delegated this reimbursement authority to the Chancellor.

Recommendation: None.

* 108. EC 71041 - This section requires the Board of Governors to:
(a) Revise and update budget manuals, forms, and guidelines;
(b) Cooperate with federal and state agencies in prescribing rules and regulations;
(c) Assess the need and methods of collecting and disseminating financial information;
(d) Conduct workshops and conferences for the purposes of training school district and county personnel; and
(e) Provide consultant services to colleges and universities on courses of instruction relative to school budgets and accounting practices.

Comment: We are doing (a), (b), and (c) fairly well. We conduct minimal workshops and conferences for the purpose of training school district and county personnel, and we provide little in the way of consultant services to colleges and universities. AB 1648 would technically amend this section.

Recommendation: We should do more in the way of workshops, conferences, and consultant services. This is part of our leadership role. Funding for such activities is, of course, the problem. The word "school" in subsection (d) should be changed to "community college."

109. EC 71042 - This section authorizes the Board of Governors and a "statewide association composed exclusively of community college district governing boards", or county boards of education, to conduct annual workshops within the state. Such workshops may be for study and instruction on the subject of school finance, the Education Code and related laws; and the ethics, duties, and responsibilities of community college district governing boards and county board of education.

Comment: We are not doing this. It is a K-12 carryover, as this section was formerly section 485, relating to the Department of Education. It's a useful function for this office, however.

Recommendation: We should work with CCCT (trustees) to establish such workshops. This is especially important in connection with the Finance Study and any legislation that comes out of it.

* 110. EC 71043 - This section requires the Board of Governors to maintain a permanent record of each community college district and county board of education member who successfully completes a workshop (see section 71042) and to issue a certificate of completion to each such member.

Comment: We don't do this.

Recommendation: This section should be repealed. Even if we do establish workshops, there's no need for certificates of completion.

111. EC 71046 - This section authorizes the Director of Finance to give the Board of Governors the authority to accept gifts, donations, and bequests. The Board is authorized to establish such conditions and restrictions on the gifts, donations, or bequests that it deems advisable.

Comment: None

Recommendation: None

112. EC 71047 - Money received by the Board under section 71046 may, with the approval of the Director of Finance, be deposited by the Board in accounts in banks, or transmitted to the State Treasurer for deposit in trust accounts.

Comment: None

Recommendation: None

113. EC 71062 - This section requires the Board of Governors to adopt rules and regulations not inconsistent with the laws of the state for the government and supervision of the community colleges.

Comment: This section is close to being redundant with EC 71020. It doesn't hurt to have the authorization, however. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

114. EC 71063 - This section requires the Board of Governors to exercise general supervision over the formation of new community college districts and reorganization of existing community college districts, including the approval or disapproval of plans therefore. The Board is to provide advisory services in connection with formations and reorganizations, and is to promote the policy that all territory in the state be included within a community college district.

Comment: We are carrying out this mandate, to the extent it is one (see text of EC 71060).

Recommendation: None

115. EC 71064 - This section requires the Board of Governors to coordinate and encourage interdistrict, regional, and statewide development of community college programs and facilities.

Comment: This is part of our leadership role which we are not fulfilling. This section is not an actual mandate (see text of EC 71060).

Recommendation: Our long-term finance legislation should include incentives for interdistrict arrangements. Interdistrict arrangements should be included as part of the master plan process pursuant to Education Code 71028.

* 116. EC 71065 - This section requires the Board of Governors to approve the offering of out-of-district classes by community college districts.

Comment: We have a procedure established for the approval of such classes, and districts occasionally submit such classes to us for approval. This section is not an actual mandate (see text of EC 71060).

Recommendation: This section should be repealed. It should be a matter between districts as to which classes are offered out of district.

117. EC 71066 - This section requires the Board of Governors to establish minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

Comment: The Board has adopted such minimum standards in Title 5, sections 51300 - 51319. Whether the colleges are in compliance with these regulations is not known. This section is not an actual mandate (see text of EC 71060).

Recommendation: We should be monitoring and reviewing these regulations. This could be done by requiring districts to file copies of what they adopt, which can be done by a simple regulation change.

* 118. EC 71067 - This section requires the Board of Governors to establish criteria and standards for graded and nongraded classes in community colleges.

Comment: EC 71027 requires the Board to establish criteria and standards for graded classes. Both sections use outdated terminology, in that the reference should be to credit and noncredit classes. This section is not an actual mandate (see text of EC 71060).

Recommendation: Section 71067 should be repealed and 71027 should be amended so as to refer to credit and noncredit classes in community colleges.

119. EC 71068 - This section requires the Board of Governors to establish minimum standards for the employment of academic and administrative staff in community colleges.

Comment: The Board has partially fulfilled this mandate by establishing affirmative action regulations which relate to all employees in Title 5, sections 53000 - 53004. The degree to which colleges are in compliance with these affirmative action standards is not certain. If the regulations on credentials Title 5, sections 52000 et. seq. are construed as minimum standards for employment of academic and administrative staff, then the Board has gone much further to meet the mandate of this section. This section is not an actual mandate (see text of EC Code 71060).

Recommendation: Compliance with these standards is something that should be monitored and reviewed by this office. Also, we should determine which other minimum standards we think are necessary for academic and administrative staff in the community colleges.

120. EC 71069 - This section requires the Board of Governors to conduct necessary statewide research on community colleges and to provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation and analysis of data for effective planning and coordination, and dissemination of information.

Comment: We can document attempts to meet this mandate; however, we have not put sufficient emphasis on it. This is part of our leadership function which we have not fully attended to. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

121. EC 71070 - This section requires the Board of Governors to facilitate articulation with other segments of higher education and of secondary education.

Comment: This is a general charge, which we have attempted, somewhat unsatisfactorily, to meet. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

122. EC 71071 - This section requires the Board of Governors to represent the community colleges before state and national legislative and executive agencies.

Comment: We represent the colleges before state legislative and executive agencies; however, we do not officially represent them before national legislative and executive agencies except through our cooperative agreement for a Washington Office. This section is not an actual mandate (see text of EC 71060).

Recommendation: We need to continue our efforts to maintain a Washington, D. C. office.

123. EC 71072 - This section requires the Board of Governors to administer state support programs, both operational and capital outlay, and those federally supported programs for which the Board has responsibility pursuant to state or federal law.

Comment: We are administering such programs. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

124. EC 71073 - This section requires the Board of Governors to establish a uniform system of budgeting and accounting for districts.

Comment: Education Code sections 84004 and 84030 establish similar requirements. We have generally complied with these requirements in that we have established a Budget and Accounting Manual, which is incorporated by reference into Title 5, section 59010. One area where we seem to lack a uniform system of accounting, however, is in the area of district reserves. This section is not an actual mandate (see text of EC 71060).

Recommendation: We should develop a uniform system of accounting for district reserves.

* 125. EC 71074 - This section requires the Board of Governors to establish out-of-state tuition fees and advise district governing boards on procedures governing the admission of out-of-state students and foreign students.

Comment: The Education Code, in section 76140, establishes formulas by which districts may charge a nonresident tuition fee. Although this agency has not established nonresident tuition fees, there is a procedure in the Education Code for the establishment of such fees. We do not systematically advise district governing boards on procedures governing the admission of out-of-state students and foreign students. This section is not an actual mandate (see text of EC 71060).

Recommendation: This section should be repealed. Other Education Code sections cover these matters sufficiently, and we do not have the staffing to provide this relatively low priority service.

126. EC 71075 - This section requires the Board of Governors to establish procedures governing interdistrict attendance agreements and restrictions on attendance between districts.

Comment: The Board has not established such procedures governing interdistrict attendance. The failure to meet the mandate of this section and section 71064 is a fairly serious oversight. This section is not an actual mandate (see text of EC 71060).

Recommendation: We should establish the necessary procedures, and amend Education Code sections 78030 - 78034, if necessary. This action should be taken in connection with the Finance Study and finance legislation.

127. EC 71076 - This section requires the Board of Governors to establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.

Comment: The Board has adopted such standards in Title 5, sections 57020 - 57033. These standards were last reviewed three years ago, and will be reviewed again next Fall. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

* 128. EC 71077 - This section requires the Board of Governors to establish recommended procedures regarding campus site selection.

Comment: This section is not an actual mandate (see text of EC 71060). Education Code section 81031 establishes a similar mandate. Neither of these mandates have been fulfilled. However, if a district is applying for state funds under the Community College Construction Act for the purposes of acquiring a site, this is a "project" which this office must approve. The Facilities Planning Unit is developing procedures for evaluating sites under the Construction Act.

Recommendation: Section 71077 should be repealed because it is redundant. However, we should establish procedures for campus site selection. This is especially important when state money is involved, and because CPEC will be reviewing these site selections.

129. EC 71078 - This section requires the Board of Governors to plan for and advise on financial assistance and scholarship programs for community college students.

Comment: This charge is rather vague; however, we can demonstrate that we are doing something to meet it. We need to do more to insure that better financial aid advice gets to the students. This section is not an actual mandate (see text of EC 71060).

Recommendation: None

130. EC 71079 - This section requires the Board of Governors to establish minimum procedures to insure that faculty and students have the opportunity to express their opinions at the campus level.

Comment: The Board has adopted regulations for Academic Senate input in Title 5, sections 53200 - 53206. Since this section was enacted both SB 160 (Chapter 961, Statutes of 1975 -- collective bargaining) and AB 591 (Chapter 1184, Statutes of 1977 -- student trustees) have become law. This section is not an actual mandate (see text of EC 71060).

Recommendation: We should have the Board adopt a policy establishing the minimum procedures for students to express their opinions.

131. EC 71090 - This section requires the Board to appoint a Chancellor and fix his or her salary.

Comment: None

Recommendation: None

* 132. EC 71091 - The Chancellor serves at the pleasure of the Board, and is directed to execute such duties and responsibilities as may be delegated to him or her by the Board.

Comment: Board Action No. 710421, adopted April 22, 1971, sets forth the primary duties that have been delegated to the Chancellor. The Chancellor has also been authorized to initiate technical/remedial legislation. Overall, however, it is apparent that there are other Board responsibilities which could be efficiently delegated to the Chancellor. This document makes several recommendations for such delegations.

A broader provision for delegating authority to the Chancellor could be adapted from Education Code 89035, relating to the CSUC trustees, which reads:

> "Wherever in this code a power is vested in the trustees, the trustees by majority vote may adopt a rule delegating such power to any officer, employee, or committee as the trustees may designate. The role shall prescribe the limits of such delegation."

Recommendation: The Board, after reviewing statutes which establish mandates for it, should review its current policy of delegation of powers to the Chancellor. This section should be amended so as to authorize a broader delegation of powers, such as that contained in Education Code 89035 (relating to CSUC).

* 133. EC 71092 - This section authorizes the Chancellor to employ and fix the compensation of such employees as he or she deems necessary for the effective conduct of the work of the Board and the Chancellor's Office.

Comment: The Chancellor, along with his or her staff, comprises the Chancellor's Office. While numerous sections of the Education Code assign various responsibilities and powers to the Chancellor's Office, there is no provision which establishes the Chancellor's Office as an entity.

Recommendation: This section should be amended to state that the Chancellor and his or her staff shall comprise and may be referred to as the Chancellor's Office of the California Community Colleges.

134. EC 71093 - This section authorizes the Chancellor, subject to conditions that the Board might establish, to purchase annuity contracts for permanent employees of the agency.

Comment: None

Recommendation: None

135. EC 71094 - This section requires the Chancellor's Office to prepare and distribute by April 1, 1977, and thereafter maintain, a detailed handbook for use by local educational agencies, which shall contain course approval criteria, implementation plans for administrative regulations, and procedures for securing course and program approvals.

Comment: The handbook was prepared and distributed, although somewhat belatedly. A revised edition is in the process of being prepared. The present handbook contains no implementation plans for administrative regulations. AB 1648 would repeal this section and reenact it as section 78200.3.

Recommendation: None

136. EC 71095 - This section requires that as of July 1, 1977, the Chancellor's Office is to monitor and review, on a periodic basis, approved courses and programs for compliance with applicable statutes and regulations. Any program or courses determined to be in noncompliance shall not receive any apportionment.

Comment: This office has not yet established a procedure for monitoring and reviewing in accordance with this section. AB 1648 would repreal this section and reenact it as section 78200.5.

Recommendation: We should either adopt a monitor and review process in the near future or be prepared to defend our failure to do so.

* 137. EC 72001 - This section provides, in part, that no person may use the name "California Community Colleges" without the permission of the Board of Governors.

Comment: None

Recommendation: The Board should delegate this authority to the Chancellor.

* 138. EC 72205 - This section requires community college districts to establish and maintain a historical inventory, or an audit trace inventory system, or any other inventory system authorized by the Board of Governors.

Comment: No districts have asked us to authorize their inventory system.

Recommendation: The Board should delegate this responsibility to the Chancellor.

139. EC 72231 - This section requires community college districts to prescribe and enforce rules not inconsistent with law or with the rules prescribed by the Board of Governors, for its own government.

Comment: None

Recommendation: None

* 140. EC 72233 - This section, the "Permissive Code" section, authorizes college districts to initiate and carry on any program, activity, or otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.

Comment: The Chancellor's Office and the Board of Governors have an implicit responsibility to aid with the interpretation of the Permissive Code. County counsel opinions have not in the past been noted for their quality or consistency. The Chancellor's Office should at least serve as a clearinghouse for opinions considering this section. AB 1648 would repeal this section and reenact it as section 72200. It would repeal the previous version of section 72200.

Recommendation: This section ought to be amended to make explicit the role of the Chancellor's Office and Board of Governors. The possibility of receiving additional staffing for this service is remote, however. Thus, the amendment should direct the Chancellor's Office to provide the service to the extent it is able to do so within staffing constraints.

141. EC 72240 - This section authorizes the community college districts to employ an instructor who does not hold a credential issued by the Board of Governors, provided the person has been granted a master's degree or doctor's degree in the academic subject matter area for which he is employed to teach. Districts are required to promptly report at the close of each school year, on a form provided by the Board of Governors, each person employed pursuant to this section. The district must also certify that all applicable laws, rules, and regulations were complied with in his or her employment. The Board of Governors is required to compile and maintain a roster of the individuals employed under this section. The Board is also required to make the necessary provisions for enforcing compliance with provisions of this section. Finally, the Board is given discretion as to what constitutes an "academic subject matter area."

Comment: We have not developed the form described above, we have not compiled and maintained a roster of individuals employed under this section, and we are not otherwise making the necessary provisions for enforcing compliance with this section. AB 1648 would repeal this section and reenact it as section 87278.5.

Recommendation: This section should either be repealed or all references to the Board should be deleted. It does not seem necessary for the Board to assume these roles. The Board's Legislative Committee rejected this recommendation.

142. EC 72246.5 - This section relates the requirement of medical insurance as a prerequisite to enrollment and participation in courses involving hazardous activities. The Board of Governors, by December 21, 1978, is to adopt regulations to implement this section. The Chancellor's Office is to study and report on various aspects of this section prior to September 21, 1979.

Comment: The regulations required by this section were adopted by the Board at its December 8, 1978 meeting.

Recommendation: None

143. EC 72252 - This section authorizes the Chancellor to approve a program of studies upon a quarter system or a trisemester basis in accordance with rules and regulations prescribed by the Board of Governors.

Comment: The Board has not acted to adopt rules and regulations for approving programs of study on a quarter system or trisemester basis, except for Title 5, sections 55200-55204. AB 1648 would repeal this section and reenact it as section 78002.5.

Recommendation: The necessity and wisdom of this mandate should be considered in connection with the Finance Study.

144. EC 72290 - This section requires community college districts to employ and assign all personnel not inconsistent with the minimum standards adopted by the Board of Governors.

Comment: As mentioned previously, with the exception of regulations on credentials, the Board has done little to implement EC 71068, relating to its establishment of minimum standards for the employment of community college personnel. The Board has adopted affirmative action regulations, however (Title 5, Sections 53000-53004). Whether district employment patterns are in compliance with these regulations is not known. AB 1648 would repeal this section and reenact it as section 72282(n). This section is not an actual mandate (see Education Code 72280).

Recommendation: Possibly this is an area that ought to be monitored and reviewed.

145. EC 72292 - This section requires community college districts to establish rules and regulations governing student conduct. The district is to establish procedures not inconsistent with those established by the Board of Governors to insure faculty and students the opportunities to express their opinions at the campus level.

Comment: As previously mentioned, the Board of Governors has not completely acted to establish procedures for insuring faculty and student input pursuant to EC 71079. If we establish those procedures,

it might be incumbent upon us to monitor and review the regulations established by district governing boards. AB 1648 would repeal, this section and reenact is as section 72282(r). This section is not an actual mandate (see Education Code 72280).

Recommendation: This section and section 71079 should be implemented, especially because they won't require Title 5 regulation; rather, the Board is simply directed to establish "minimum procedures."

* 146. EC 72293 - This section authorizes community college districts to apply directly to federal agencies or state agencies operating federal programs in order to obtain federal funds, provided the districts comply with the general policies established by the Board of Governors.

Comment: The Board has not established general policies for authorizing districts to apply directly to federal agencies. AB 1648 would repeal this section and reenact it as section 72282(s). This section is not an actual mandate (see Education Code 72280).

Recommendation: This section should be repealed. Under the Permissive Code districts don't need this authorization.

* 147. EC 72305 - This section requires district governing boards to meet with appropriate local government, recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new college facilities and college sites when major additions to existing college facilities and recreation and park facilities in the community. Any district planning, designing or constructing of new college facilities or sites, or major additions to existing facilities, must file, at least annually, a report with the Board of Governors setting forth its plan to achieve a greater use of any joint or contiguous recreation and park facilities and possible use by the total community of the facilities being planned.

Comment: We have never received any such reports. However, Facilities Planning staff works to insure the coordination and planning required by this section.

Recommendation: This section ought to be rewritten and placed into the Community College Construction Act, Education Code sections 81800-81845. Provisions related to reports should be deleted.

* 148. EC 72409 - This section authorizes district governing boards to waive any credential requirement for the chief administrative officer of the district. If the district governing board waives the credential requirement, a chief administrative officer may be required to pursue a program of inservice training conducted pursuant to guidelines approved by the Board of Governors.

Comment: The Board has not approved guidelines for inservice training programs. Inservice training is not mandatory. AB 1648 would repeal this section and reenact it as section 87403.3.

Recommendation: The section should be repealed.

149. EC 72603 - This section authorizes districts to destroy records of the district in accordance with regulations of the Board of Governors.

Comment: The Board has adopted regulations in Title 5, sections 59020-59029.

Recommendation: None

* 150. EC 72640 - This section relates to field trips. Among other things it provides that no student shall be prevented from making a field trip because of lack of sufficient funds. It also provides that no more contact hours shall be generated by a field trip than if a class were held on campus. Finally, districts which transport students, instructors, or other employees of the district in school buses within the state, must report to the Board of Governors on forms prescribed by them the total mileage of school buses used in connection with such educational excursions.

Comment: We do not have any procedure for monitoring whether students are prevented from making trips because of lack of funds, nor is there a procedure for determining that no more contact hours are generated by the field trip or excursion than if the class were held on campus. Finally, districts do not annually report their mileage.

Recommendation: Possibly the requirements of this section should be monitored and reviewed. Provisions related to reporting mileage should be deleted. Funding for field trips should be addressed in the finance legislation.

151. EC 74000 - This section requires all community college district organization or reorganization proposals, by whatever procedure, to be submitted to the Board of Governors for approval.

Comment: This section is somewhat redundant with EC 71063 and 4280. For the most part, we are in compliance with its mandate.

Recommendation: None

152. EC 74011 This section requires the county committee on school district organization of each county in which the residents account for 350 or more units of average daily attendance in the 1972-73 fiscal year to submit to the Board of Governors, on or before September 15, 1973, approvable plans and recommendations for the inclusion of all of the territory of the county in one or more community college districts or for an annexation to existing community college districts of territory not part of any community college district. If these plans and recommendations are not approved by the Board, they are returned for revision and resubmission to the Chancellor.

Comment: Although September 15, 1973 has passed, there are still a few territories which meet the conditions of this statute, and which should be included within a community college district. The Board of Governors and Chancellor are directed to act in the event that county committees on school district organization fail to submit plans (Education Code 74016).

Recommendation: This office should take the necessary action.

153. EC 74012 - This section provides that if the Board of Governors does not approve all or any part of a plan submitted to it by a county committee, it shall notify the committee, setting forth the reasons for not approving and the nature of additional data or study which it deems necessary. The county committee is to resubmit the plan within six months of the date of this notice from the Board.

Comment: None

Recommendation: None

154. EC 74013 - This section authorizes the Board of Governors to approve all or any portion of the plan submitted to it by a county committee. When the Board approves all or part of a plan it must notify the county superintendent of schools and the county board of supervisors of the county or counties involved.

Comment: We are complying with this section.

Recommendation: None

* 155. EC 74015 - This section allows the Board of Governors to grant an extension of time for submitting plans and recommendations for district organization or reorganization, provided that all such extensions of time shall expire on or before March 15, 1974. When it is the Board itself that is submitting the plan, pursuant to EC 74016, the extension of time shall not extend beyond September 15, 1974.

Comment: Both of these deadlines have passed; however, all territory of the state has not been included within a community college district.

Recommendation: This section should be amended so as to delete the two dates.

156. EC 74016 - This section provides that if the county committee on school district organization fails to submit plans and recommendations as provided in section 74011, the Chancellor's Office shall prepare a plan or plans and submit them to the Board of Governors. This section goes on to establish provisions for extensions of time, and provides a timeline for final action by the Board of Governors.

Comment: There is still some territory which should be included within community college districts, and we should be using this section to include them.

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Recommendation: We should take action to include the remaining territories within community college districts.

157. EC 74100 - This section requires the Board of Governors to establish minimum standards for the formation of community college districts.

Comment: The Board adopted a long document entitled "Guidelines for District Organization," Action #720932, adopted September 20, 1973. This document is probably outdated, and is probably not the kind of minimum standards that the statute intended. In 1977, the Legislature added EC 74101-74106. These sections seem to establish some of the minimum standards that the Board has failed to adopt.

Recommendation: The 1973 document should be reviewed, and, if necessary, an updated set of minimum standards should be offered to the Board for adoption.

158. EC 74101 - This section prohibits the Board of Governors from approving a petition to form or reorganize a district if the estimated resident average daily attendance of the district in the third year of operation is less than 3000 units of ADA.

Comment: None

Recommendation: None

159. EC 74102 - This section prohibits the Board of Governors from approving a petition to form a community college district if the assessed valuation of taxable property in the proposed district would be less than $150.000 for each unit of estimated resident ADA in the third year of operation.

Comment: None

Recommendation: None

160. EC 74104 - This section provides that the Board may approve the formation of a new district if smaller estimated ADA or assessed valuation for each unit of ADA than that required by sections 74101 and 74102 if the Baord determines that the proposed district will serve an area which is isolated form other existing community colleges, or if the existing community colleges are inaccessible to residents of the area to be served.

Comment: None

Recommendation: None

161. EC 74110-74128 - These sections relate to formation of districts by petition of boards of trustees. The Board of Governos' responsibilities are as follows: EC 74112 -- authorizes the Board to approve the inclustion of noncontiguous territory in certain reorganization proposals; EC 74114 -- requires the Board to make or cause to be made a survey of the proposed community college districts or other high school districts which, in whole or in part, may be approp-

riately included in a proposed district; and EC 74116 -- authorizes the Board to approve petitions, and within 30 days notify the appropriate superintendent of schools.

Comment: We are complying with these sections. The Fiscal Services Unit has pointed out some technical amendments that need to be made to these sections, none of which deal with the Board or its role.

Recommendation: None

162. EC 74160-74170 - These sections relate to the formation of new districts from all or part of existing districts. The Board's responsibilities are as follows: EC 74162.3 -- the Board, in approving a petition, shall include provisions for the use of any community college property of the community college districts proposed to be wholly or partially included in a new community college district; EC 74162.5 -- the Board, if it approves the petition, shall include a provision for the division of property when the entire territory or a portion of the territory of a community college district is withdrawn and included in another district or is formed into a new district, or is included in two or more new districts. The Board also must provide for the division of funds, including cash on hand and monies due but uncollected on the date the organization becomes effective, and state apportionments; EC 74162.7 -- gives the Board the authority to divide the property, funds, and obligations of the student body which have been absorbed by other districts; EC 74163.5 -- authorizes the Board to require statistical information from county superintendents of schools and every other county officer in the counties affected; EC 74164 -- requires a hearing by the Chancellor's Office with recommendations to the Board, with Board approval or disapproval of the formation of the proposed new district; EC 74165 --requires the Board to immediately notify the county superintendent of schools, upon approval of the formation of the new district; and EC 74166 -- requires the president of the Board to prepare a statement of official information and statistics relating to the proposed new district.

Comment: We are complying with these sections. The Fiscal Services Unit has pointed out some technical amendments that need to be made to these sections, none of which deal with the Board or its role.

Recommendation: None

163. EC 74500-74507 - These sections have to do with transfer of component districts between community college districts. EC 74506 requires the Board of Governors to approve or disapprove the transfer of the territory after conducting a hearing and studying the recommendations of the Chancellor. EC 74507 requires the Chancellor to immediately notify the county superintendent of schools as soon as the Board approves the proposed transfer of territory.

Comment: We are complying with these sections. The Fiscal Services Unit has noted some technical amendments that should be made to these sections, none of which deal with the Board or its role.

Recommendation: None

164. EC 74640 - This section requires the Board of Governors to adopt guidelines which may be used by county committees in making their determination as to whether a transfer of territory would adversely affect racial or ethnic integration of the schools of the districts affected.

Comment: We not have adopted such guidelines. However, we require districts to certify that they have reviewed proposals with respect to their affect on racial and ethnic integration of the district's schools.

Recommendation: None

165. EC 74641 - This section allows any person questioning the county committee's finding that a proposed transfer of territory will not adversely affect the racial or ethnic integration of the schools of the districts, to appeal this decision. The appeal is made to the Board of Governors. Another portion of this section allows community college district governing boards whose boundaries are affected by the proposed changes, to appeal to the Board of Governors. The Board is required to notify specified parties upon reaching a decision.

Comment: None

Recommendation: None

166. EC 74642 This section requires the Board of Governors to grant or deny a petition, and order the appropriate elections in the districts affected. The Chancellor is required to return the petitions to the county superintendent of schools with notice of the Board of Governors' action.

Comment: None

Recommendation: None

167. EC 74664 This section is part of an article which has to do with the transfer of part of a component district from one community college district to another community college district. This section requires that petitions be acted upon in the same manner as is a petition for transfer of territory pursuant to sections 74638-74644.

Comment: None

Recommendation: None

168. EC 76000 - This section pertains to admission to community colleges. It allows district governing boards to admit any person over 18 who is, in the judgment of the board or of the president of the college, capable of profitting from the instruction offered. These students are admitted as "provisional students" and are thereafter required to comply with the rules and regulations prescribed by the Board of Governors pertaining to scholastic achievement and other standards to be met by provisional or probationary students.

Comment: The Board has established the required standards of scholarship in Title 5, sections 51300-51319. Whether districts are in compliance with these standards is not known. AB 1648 would technically amend this section.

Recommendation: This is a subject which should be monitored and reviewed by this office.

* 169. EC 76140 - This section relates to nonresident tuition fees. It provides that a district may, with the approval of the Board of Governors, contract with various specified public agencies for the payment of all or a part of a nonresident student's tuition fee. District governing boards are required to annually report to the Board of Governors the number of nonresidents enrolled for 6 units or less, the number of nonresidents enrolled for more than 6 units, and the total amount of fees collected from each category of students.

Comment: The Board has not developed standards for reviewing and approving contracts for the payment, by the specified public agencies, of a nonresident's tuition fee. We are receiving annual reports from districts which comply with the requirements of this section. The Fiscal Services Unit has been studying this section and has determined that the reports are not necessary. It has also determined that Board approval of specific contract arrangements is unnecessary.

Recommendation: The portions of the section relating to reporting should be deleted. Provisions relating to Board approval of contracts should also be deleted.

* 170. EC 76160 This section essentially authorizes any student under 21 who resides more than 90 miles from the nearest public community college, to be admitted into any community college in the state. This student will not have this right if the Chancellor determines that the district in which he resides maintains adequate dormitories or provides adequate transportation for the student. This section goes on to specify requirements for the districts of residence to pay the district of attendance according to requirements as may be prescribed by the Board of Governors.

Comment: We are operating in compliance with this section, at least to the limited extent to which students are taking advantage of it. The section is probably not necessary, however. The Chancellor should not be making determinations about the adequacy of district dormitories, or whether the transportation provided by a district is satisfactory. AB 1648 would repeal this section and reenact it as section 76020.

Recommendation: This section should be amended to delete the responsibility of the Chancellor to make determinations as to the adequacy of dormitories or transportation.

171. EC 76200-76246 - These sections have to do with student records. EC 76220 requires community college districts to establish, maintain, and destroy student records according to regulations adopted by the Board of Governors. EC 76225 authorizes the Board of Governors to adopt rules and regulations concerning transfer of student

records. Finally, EC 76246 requires the Board of Governors to adopt rules and regulations to provide for orderly implementation of these provisions on student records.

Comment: The Board has complied with all of these mandates by adopting regulations in Title 5, sections 54600-54662. Whether districts are complying with these requirements and others they may have adopted is not known. The Board and Chancellor's Office is not given any responsibility to monitor and review these regulations.

Recommendation: None

172. EC 76300 - This section provides that attendance in community colleges shall be kept according to regulations prescribed by the Board of Governors.

Comment: The Board has adopted regulations governing attendance in Title 5, sections 54200-54222, and 54500-54512. The Board has also adopted a "Student Attendance Accounting Manual" which sets forth policies for the attendance accounting procedures.

Recommendation: None

* 173. EC 76310 This section prohibits community college students from being credited, on a district average, with more than 18 class hours of attendance during any 5 day week. The Chancellor's Office is required to adopt such rules and regulations as are necessary to carry out the provisions of this section.

Comment: We have not adopted regulations to implement this section.

Recommendation: This section should be repealed, as the 18 class hour limitation, on a district average, is never exceeded.

* 174. EC 76320 - As to classes for adults, this section limits any student from being credited with more than 15 class hours of attendance during any one school week unless he is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the Chancellor's Office.

Comment: This office has not defined the term "trade or industrial subject." In addition, we do not have a procedure to monitor this 15 clock hour limitation. AB 1648 would repeal this section.

Recommendation: This section should be dealt with and in accordance with whatever recommendations come out of the Finance Study with respect to the financing of adult education. References to "classes for adults" should be changed to "noncredit classes."

* 175. EC 76332 This section requires that the attendance of all physically handicapped students be reported annually to the county superintendent of schools on forms provided by the Board of Governors. AB 1648 would repeal this section.

Comment: This is no longer being done, and no longer needs to be done. AB 77 regulations require districts to thoroughly report on

programs established for the handicapped. It would be wasteful duplication for the average daily attendance of handicapped students to be separately broken out, as required by this section.

Recommendation: This section should be repealed.

* 176. EC 76342 This section requires the attendance of all educationally handicapped students to be reported annually to the county superintendent of schools on forms provided by the Board of Governors.

Comment: Again, districts are no longer reporting pursuant to this section, we no longer provide the forms, and there is no longer a need to do the reporting. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

* 177. EC 76442 - This section has to do with an examination into the mental health of students. When evidence of impaired mental health has been noted by a district employee, a report is to be made to the parent or guardian of the minor. This report must be made on a form prescribed or approved by the Board of Governors.

Comment: We have not prescribed or approved forms. This is a K-12 carryover. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

* 178. EC 76455 - This section has to do with defects which are noted in physical examinations. When a defect is noted, a report is required to be made to the parent or guardian of the minor, on a form prescribed or approved by the Board of Governors.

Comment: We have not prescribed or approved such forms. This is a carry-over from K-12. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

179. EC 78002 This section requires the Chancellor to designate one community college district to provide, on a pilot basis, for three years, the maintenance of community college credit classes on Sunday. The Board of Governors is to evaluate the pilot program, especially with regard to the feasibility of maintaining such classes on a statewide basis, and is required to report its findings and recommendations to the Legislature on or before September 1, 1978.

Comment: Ohlone College was selected for the pilot project. We have not done an evaluation of the pilot program, and we failed to submit a report of findings and recommendations to the Legislature before September 1, 1978. Interestingly, this section only remains in effect until July 1, 1978, and as of that date is repealed. As such, the requirement to report to the Legislature is no longer operable.

Recommendation: We should evaluate this project and include any recommendations coming out of it in the Finance Study. A separate and very brief report to the Legislature should be prepared to this effect.

* 180. EC 78005 This section authorizes community college districts to establish courses outside the district primarily for students who are nonresidents of the district, providing certain conditions are fulfilled. One condition is that the district annually request and receive prior written approval of the Board of Governors before establishing or continuing classes outside its district.

Comment: The extent to which districts are operating in compliance with this mandate is uncertain. No procedure has been established by our office to monitor compliance with this section. AB 1648 would repeal and reenact this section, so as to technically rewrite it.

Recommendation: The Board's role in this area should be deleted. This provision should be rewritten so as to require that the district report as to which classes are being maintained outside the district.

181. EC 78008 This section authorizes community college districts to maintain an "intersession" in accordance with rules and regulations of the Board of Governors and with the prior written approval of the Board.

Comment: This section, prior to the passage of AB 1905 (1978), was related to the establishment of summer sessions. The Board established rules regarding summer sessions in Title 5, sections 55450-55458. These regulations require annual approval of each summer session. Both the statute and these regulations seem to go too far. There seems to be no compelling reason for having the Board approve each summer session or intersession, especially on an annual basis. AB 1648 would repeal this section.

Recommendation: The Board's role in this area should be minimized. Districts should simply be required to report the fact that they are offering a summer session or intersession in accordance with our regulations. This recommendation can be accomplished without statutory change.

* 182. EC 78010 - This section authorizes the governing boards of high school districts and community college districts to enter into contracts, subject to the approval of the Superintendent of Public Instruction and the Board of Governors, for the education of community college students in vocational education classes to be conducted for such students by the district maintaining the high school. The average daily attendance of such students is credited to the community college, and credit may be given for such courses.

Comment: It is probably unnecessary for the Board to have an approval rule for such contracts of instruction. In any event, it should be the Chancellor, rather than the Board, who would approve these classes. Finally, the extent to which districts submit such contracts to us for approval is not known.

Recommendation: Rather than requiring our approval of such contracts, districts should be required to report the fact that they are contracting pursuant to this section. Financing for contracted instruction should be considered in connection with the Finance Study.

* 183. EC 78011 - This section permits the county superintendent of schools in a community college district to enter into a contract, subject to the approval of the Superintendent of Public Instruction and the Board of Governors, for the education of community college students in vocational education classes to be conducted for such students in the regional occupational program operated by the county superintendent of schools. The average daily attendance is credited to the regional occupational program.

Comment: The extent to which such contracts are submitted to us for approval is not known. It should be the Chancellor rather than the Board which has approval authority. Finally, it is unclear why the State has an interest in approving these contracts. EC 78012, which also relates to contracting for vocational education instruction, does not require approval of the Superintendent of Public Instruction or Board of Governors for such contracts.

Recommendation: The Board's role with respect to approval of such contracts should be deleted. Financing for contracted instruction should be considered in connection with the Finance Study.

184. EC 78014 - This section requires the Board of Governors to adopt rules and regulations for determining program and service components and appropriation of resources to college districts for the education of handicapped students. The Chancellor and Director of Rehabilitation are required to cooperate, and also to hold public hearings prior to the development of these regulations.

Comment: The Board has adopted such regulations in Title 5, sections 56000-56088. The the extent to which colleges are complying with these regulations is not being monitored. The regulations have not been modified or updated since their adoption in November of 1977. Education Code 84850 addresses funding for AB 77.

Recommendation: These regulations should be reviewed to ensure they are up to date and that they do not overly regulate these programs, especially with respect to reporting. One particular section that needs to be addressed is section 56052 of the regulations. That section requires the Chancellor's Office, after consultation with college staff and students, to establish student-instructor ratio for special classes for the handicapped b July 1, 1977. We have not done this. See also the recommendation in connection with Education Code 84850.

185. EC 78030 - This section has to do with interdistrict attendance. The attendance of students who are residents of one district, but are attending a college in another district must be separately recorded and reported to the Chancellor's Office.

Comment: Such attendance is separately reported. AB 1648 would repeal this section and reenact it as section 76010.

Recommendation: The subject of interdistrict attendance, including this section, should be looked at in connection with the Finance Study.

186. EC 78050 - This section, which relates to accreditation, requires that there be a representative of the Chancellor's Office appointed by the Chancellor on each accrediting commission, as well as on each visiting team assigned to review the program in facilities of a college.

Comment: We are in compliance with this section. The future role and scope of accreditation is worthy of discussion, especially in terms of our "monitor and review" and investigation obligations.

Recommendation: None

187. EC 78200 - This section requires courses of instruction and education programs to be prepared under the direction of district governing boards. Such education programs are to be submitted to the Board of Governors for approval. Also, courses of instruction which are not offered in approved educational programs are required to be submitted to the Board of Governors for approval. The Board of Governors is directed to review, and may approve, all programs and courses which are required to be submitted to it for approval.

Comment: One major problem with this course and program approval process is that courses which are added to approved programs need not be submitted to the Board for approval. This is a major loophole which permits districts to circumvent the course approval process. Another problem with this section is that it creates a great amount of work for this agency, some of which may be unnecessary.

Recommendation: More emphasis should be put on the master planning process, so that less emphasis could be put on course and program approval. Specifically, see the recommendation in connection with EC 71028. If a course or program is part of the district's approved master plan, or approved master plan annual update, then the district would be authorized to prepare and approve such programs in accordance with guidelines established by the Board of Governors. Districts would report to the Board of Governors as to their approval of courses and programs, with a certification that they followed the Board's guidelines. Districts would be required to report on each new course which was added to an approved program. The Board of Governors would monitor and review district approvals for compliance, and would revoke approval for courses or programs not complying. Finally, if a district failed to address a course or program in its master plan, or annual master plan update, it would

then be required to submit that course or program to the Board of Governors for approval, in accordance with our regular program approval process. This recommendation can be accomplished without statutory change.

188. EC 78203 - This section provides that no state funds shall be apportioned to a community college district on account of the attendance of students in a course unless the course is offered in an educational program approved by the Board of Governors, or the course itself was approved by the Board of Governors.

Comment: We do not have a procedure for monitoring and reviewing the extent to which this section is being complied with.

Recommendation: We should monitor and review district courses and programs to see that attendance is being claimed in accordance with this section.

189. EC 78207 - This section authorizes the Board of Governors to prescribe by regulation, a procedure by which a community college district may grant credit to any student based on examinations approved and conducted by the college.

Comment: The Board has adopted a regulation on credit by examination in Title 5, section 51302.5.

Recommendation: None

* 190. EC 78220 - This section authorizes the Board of Governors to adopt regulations for correspondence instruction for community college students to be provided by the University of California, or other accredited universities and colleges in California. The Board of Governors must authorize district governing boards to provide for instruction in this matter.

Comment: Apparently, no college or district is offering correspondence instruction pursuant to this section. The Board of Governors has not adopted rules and regulations to implement this section.

Recommendation: This section should either be repealed or the Board's roles with respect to developing regulations and approving programs should be deleted.

* 191. EC 78221 - This section provides an authorization similar to that provided in section 78220, except that it relates to veterans enrolled in schools or classes of the district.

Comment: Again, no district is providing correspondence instruction to veterans pursuant to this section. Nor has the Board of Governors adopted rules and regulations to implement this section.

Recommendation: This section should either be repealed or amended so as to delete the Board's role with respect to regulations and approval.

192. EC 78241 - This section requires the Board of Governors to establish standards for work experience education, including but not limited to, the following: (a) selection and approval of work stations; (b) supervision of students; (c) credit allowable for work experience; and (d) guidance procedures related to work experience education.

Comment: The Board has established such standards in Title 5, sections 55250-55257.

Recommendation: None

193. EC 78242 - This section requires the Board of Governors to adopt such rules and regulations as are necessary to maintain the educational purpose and character of work experience education.

Comment: The Board has adopted regulations in Title 5, sections 55250-55257.

Recommendation: None

* 194. EC 78270 - This section requires the Board of Governors to aid and assist local school districts in the development and conduct of a program of aviation education.

Comment: This section and section 71031 seem to require the Board to take an active role in development of aviation education. We are not aiding local districts and developing such programs. This role does not seem to be a necessary one for the Board of Governors.

Recommendation: The Board's role with respect to aiding local districts in the development and conduct of aviation programs should be deleted.

* 195. EC 78310-78311 - These sections relate to contracting for instructional television. Section 78310 permits the county superintendents of schools to contract on behalf of community college districts under his jurisdiction, subject to approval of the Board of Governors, for television broadcasts or closed circuit television programs. Section 78311 provides a similar authorization for community college districts.

Comment: No community college districts are currently contracting for instructional television as provided in these sections. Such contracts have not submitted to us for approval for many years. AB 1648 would repeal both of these sections and reenact them as section 78310.

Recommendation: Sections 78310 and 78311 should be repealed as outdated (see comment on Education Code 84860). Both of these authorizations are unnecessary in light of the Permissive Code. The funding allowance provided for such programs, pursuant to Education Code 84860, should also be repealed. CIS, and now independent study (SB 941) now make this authorization unnecessary.

196. EC 78401 - This section authorizes community college districts to establish and maintain classes for adults, provided they have the approval of the Board of Governors.

Comment: This office regularly approves adult education offerings. AB 1648 would repeal this section.

Recommendation: Approval of adult education classes and programs should be streamlined in the same manner that is being proposed with respect to credit courses and programs. Some streamlining has already occurred through the computerization of adult education offerings.

197. EC 78405 - This section requires the Board of Governors to establish standards, including standards of attendance, curriculum, administration, and guidance counseling service for adult education classes. The Chancellor is directed to prepare and distribute, by April 1, 1977, and thereafter maintain, a detailed handbook for use by the local education agencies and regional councils. The handbook is to contain course approval criteria, implementation plans for administration regulations, and procedures for securing course and program approval.

Comment: To some extent the Board has established standards of attendance, curriculum, administration, and guidance and counseling service for adult education classes in Title 5, Sections 58000-58192. These regulations need to be reviewed and updated. The Chancellor's Office has prepared and distributed the handbook referred to above. It has not been maintained, however, nor does it speak to implementation plans for administrative regulations. A revised edition is now being prepared. Identical language regarding the handbook can be found in Education Code 71094. See the comment for Education Code 78440 as to state aid for adult classes.

Recommendation: Title 5, sections 58000-58192 should be reviewed and updated. The handbook on course approval should also be updated, especially if it is decided to modify the course and program approval process in the near future.

* 198. EC 78409 - This section authorizes community college districts to maintain adult education classes outside the district, or to contract for the instruction of its students by another community college district. This authorization only exists when a district is unable to maintain classes itself because of inability to secure a teacher or teachers or because of a lack of facilities, and further, only when the district has the approval of the county superintendent of schools and the Board of Governors.

Comment: Districts, as far as we know, are submitting programs authorized by this section to us for approval. It is not clear why the Board must have an approval role with respect to such programs.

Recommendation: The Board's role with respect to approval of these classes and programs should be deleted.

199. EC 78412 - This section provides that no such funds shall be apportioned to any community college district on account of the attendance of students enrolled in community college district credit or noncredit courses unless the courses have been approved by the Board of Governors.

Comment: The extent to which districts are claiming apportionment for courses which have not been approved is unknown. This office does not have an established procedure to monitor and review this section. This section may not be necessary, since Education Code 78200 and 78203 contain similar mandates.

Recommendation: Compliance with this section is something that should be monitored and reviewed by this office.

200. EC 78440 - This section authorizes community college districts, with the approval of the Chancellor's Office, to establish special classes to serve the educational needs of handicapped adults. Such classes must conform to the standards of attendance, curriculum, and administration established by the Chancellor's Office.

Comment: This section became effective April 29, 1977. The extent to which districts have submitted such "special classes" to us for approval since that time is not known. The Board has acted to establish the standards of attendance, curriculum, and administration in Title 5, sections 56000-56088, and 56354. These sections seem to establish different standards than those established pursuant to Education Code 78405, which appear in Title 5, sections 58000-58192. Overall, there appears to be a sound basis for our arguing that any of these noncredit adult education courses which have been established pursuant to our standards of curriculum, attendance, and administration, should be eligible for state apportionment. If the proposed class or program does not comply with our standards, especially our standards with respect to curriculum, then the class or program would not be eligible for state support. In other words, there seems to be a good argument for having the Board of Governors and Chancellor's Office define which noncredit courses and programs will continue to be eligible for state support. We should argue that the Legislature, therefore, should refrain from determining which noncredit classes will continue to be eligible for state support. AB 1648 would repeal and reenact this section, a technical amendment.

Recommendation: All standards of curriculum, administration, and attendance for noncredit classes should be reviewed. We should thereby decide which noncredit courses and programs will continue to be eligible for state support. The standards of curriculum, attendance, and administration should be rewritten accordingly.

* 201. EC 78442 - This section authorizes community college districts or county superintendents of schools to establish special classes to serve the educational needs of handicapped adults by contracting to provide such classes with any adjacent high school district or unified school district, subject to the approval of the Board of Governors.

Comment: Apparently no community college districts or county superintendents are operating pursuant to this section. It's unclear why the Board of Governors has approval authority over such contracts.

Recommendation: The Board's approval authority with respect to such contracts should be deleted.

* 202. EC 78600-78644 - These sections relate to the establishment of programs for educationally handicapped students. The continued viability of these sections since the passage of AB 77 on April 29, 1977, is uncertain. That measure did not repeal these sections; however, it was intended that AB 77 provide a single source of funding for this and other programs for handicapped students. Whatever the status of these provisions, the sections which establish responsibilities for the Board and Chancellor's Office are as follows:

EC 78601 requires the Board of Governors to adopt rules and regulations which prescribe standards for special education programs for autistic students. The section goes on to establish the number of such students that may be served per ten-thousand average daily attendance. The Board of Governors is authorized to waive this limitation if it finds that the waiver is necessary to meet the exceptional needs of autistic students.

EC 78602 requires that special educational programs for educationally handicapped students must be provided in accordance with standards approved by the Board of Governors. These standards must emphasize fundamental school subjects, with the aim of returning the students to the regular school programs at the earliest possible date. Fundamental schools are to be emphasized as prescribed by the Board of Governors.

EC 78603 establishes maximum sizes for special educational programs for educationally handicapped students. Districts are required to request permission of the Board of Governors to exceed this maximum class size. The Board may approve such requests for all or part of the remainder of the school year.

EC 78605 specifies that a community college district maintaining special educational programs for educationally handicapped students shall not enroll at any time more than 2% of the total district enrollment in such programs, except those permitted by special authorization of the Board of Governors. The Board of Governors is to report each regular session of the Legislature: (1) the community college districts permitted to exceed the 2% limitation, (2) the number of additional students involved, and (3) the reasons for granting the permission requested.

EC 78606 specifies that in any fiscal year, extension of an existing program by community college districts which exceeds 120% of the enrollment at the end of the sixth school month of the prior year must receive the prior approval of the Board of Governors before any allowance or apportionment is made by the Chancellor's Office.

EC 78607 specifies that approval of the Board of Governors pursuant to Section 78606 shall be based on: (a) actual demand for the program as demonstrated by the recommendation for placement, (b) district experience in the operation of programs for the educationally handicapped, and (c) a demonstrated ability of the district to return educationally handicapped students, who can participate effectively, to the regular school programs.

EC 78608 requires each community college to apply to the Board of Governors for approval prior to initiating any program for educationally handicapped students. The Board is authorized to gather whatever information it deems necessary, and is required to provide the form which districts use for requesting approval.

EC 78609 provides that admission of minors to programs for the educationally handicapped shall only be made on the basis of an individual evaluation according to standards established by the Board of Governors.

EC 78613 requires the Board of Governors to adopt rules and regulations which prescribe standards for the individual identification and evaluation of educationally handicapped students and their admission to special education programs for educationally handicapped students.

EC 78614 requires the Board of Governors to adopt rules and regulations which prescribe standards for special educational programs for educationally handicapped students which shall include, but need not be limited to, individual evaluation of students and curriculum content for each type of program authorized pursuant to these sections, as well as provisions for periodic examination, reevaluation, or transfer of educationally handicapped students participating in special educational programs maintained for each type of program authorized by law. The Board is also to adopt rules and regulations which prescribe standards for teaching qualifications for each type of program authorized pursuant to these sections.

EC 78616 requires the Board of Governors to employ such persons as are necessary for the coordination and supervision of services for educationally handicapped students.

EC 78617 requires the Board of Governors to prescribe the form and manner of notification of intention to initiate a program, and prescribe procedures for qualifying for allowances for special day classes, and for authorizing instruction of other than special day classes of educationally handicapped students.

EC 78640-78644 relate to loans to instructors of educationally handicapped students.

EC 78641 requires the Board of Governors to allow to each community college district making loans pursuant to these sections, an amount sufficient to reimburse each district with the total amount of loans made during the summer immediately preceding.

EC 78643 requires that the loans made pursuant to these sections be repaid pursuant to rules and regulations adopted by the Board of Governors.

EC 78644 requires the Board of Governors to establish rules and regulations for the administration of these provisions.

Comment: When the AB 77 regulations were adopted in November of 1977, the regulations required by the above sections were repealed (sections 56008-56062). AB 1648 would repeal all these sections.

Recommendation: These sections should be repealed. We can assert that AB 77, and the regulations we have adopted to implement it, replace these specific statutes.

* 203. EC 78700-78726 - These sections relate to programs for physically handicapped students. Again, the continued viability of these sections is open to question in light of AB 77. Sections which establish responsibilities for the Board of Governors are as follows:

EC 78702 requires the Board of Governors to define the following types of students: deaf or hard of hearing, blind or partially seeing, the orthopedic or health impaired, the aphasic, the speech handicapped, students with physical illnesses or physical conditions, students with severe physical impairments, and the multi-handicapped.

EC 78703 requires the Board of Governors to define circumstances under which programs of individual instruction may be offered to physically handicapped students in hospitals, sanitoriums, homes, or other settings.

EC 78704 establishes maximum class sizes for special day classes for physically handicapped students. The Board of Governors is authorized to waive these maximum class size standards under certain conditions, and it is further authorized to review and grant requests by districts to exceed the maximum class size when certain conditions occur.

EC 78705 requires the Board of Governors to promote and direct special instruction in the community colleges for physically handicapped students. The Board is authorized to employ such professional and other personnel as are necessary for this purpose.

EC 78706 requires the Board of Governors to employ such persons as are necessary for the coordination and supervision of services to multi-handicapped students.

EC 78708 authorizes the Board of Governors to prescribe minimum standards for the special education of physically handicapped students. The Board is prohibited to make any apportionment of state funds for instruction of such students unless the standards prescribed by the Board are complied with.

EC 78714 authorizes community college districts to establish regulations determining who can profit by and who can receive the special instruction provided by these sections. These regulations are subject to standards which may be prescribed by the Board of Governors.

EC 78715 provides that physically handicapped students may be instructed in special schools or special classes, in hospitals, sanitoriums, or in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the Board of Governors.

EC 78718 provides that the Board of Governors shall prescribe procedures for qualifying, and shall determine the amount of the allowances for special classes and for the authorized instruction in other than special classes for physically handicapped students.

EC 78719 authorizes the Board of Governors to appoint counselors to assist blind students.

EC 78720 authorizes the governing board of any community college district, upon approval by the Board of Governors, to employ a special coordinator, who shall make a study of employment in occupational opportunities and who shall assist in the coordination of education of physically handicapped students

EC 78722 provides that no person shall be employed to instruct physically handicapped students unless that person holds a valid credential authorizing such instruction. Substitutes are permitted to teach up to 20 days, however. Upon application by community college districts, the Board of Governors is authorized to approve an extension of the 20 day period for a given person, but not beyond the end of the school year.

EC 78723 also establishes a requirement that persons instructing physically handicapped students must hold valid credentials authorizing such instruction. There are similar authorizations for the 20 day exemption, and permission by the Board of Governors to extend beyond the 20 day period.

EC 78726 provides that the Board of Governors may cooperate with the American Printing House for the Blind in the provision and distribution of braille books and other materials.

Comment: This agency is no longer doing anything to comply with these mandates. AB 77 and the regulations adopted pursuant thereto by the Board of Governors were meant to replace these sections of the Education Code. The regulations required by these sections were repealed (Title 5, sections 56300-56507) when the AB 77 regulations were adopted. AB 1648 would repeal all of these sections.

Recommendation: These sections should be repealed.

* 204. EC 78800-78863 - These sections relate to education programs for mentally retarded students. Again, the continued viability of these sections in light of AB 77 is questionable. Sections which specify responsibilities of the Board of Governors or Chancellor's Office are as follows:

EC 78801 authorizes education programs for mentally retarded students who may be expected to benefit from special educational facilities. Students must be above the compulsory school age and less than 21 years of age. An annual report must be made by each community college district to the Board of Governors indicating the number of eligible students for whom no such special education is provided and the reasons therefore.

EC 78802 requires that the admission of a student to a special educational program of the mentally retarded must be made only on the basis of an individual evaluation according to standards established by the Board of Governors.

EC 78805 establishes restrictions as to which students may be placed in these special classes for the handicapped. As a prerequisite to placement in such programs, students must be given a complete psychological examination, which examination shall include estimates of adaptive behavior. Until adaptive behavior skills are normed and approved by the Board of Governors, such adaptability testing shall include, but is not limited to, a visit to the students home by the school psychologist and interviews of members of the students' family at their homes.

EC 78806 provides that if a parent or guardian objects to a withdrawal of this child or ward from a special education class for the retarded, he may request a hearing regarding such withdrawal. The hearings shall be conducted pursuant to rules and regulations adopted by the Board of Governors.

EC 78807 provides that mentally retarded students may be enrolled in integrated programs of instruction conducted by community college districts. Such programs must be conducted in accordance with the rules and regulations established by the Board of Governors.

EC 78808 provides that the two programs available for mentally retarded students are special day classes, and integrated programs of instruction. Integrated programs of instruction are to be conducted in accordance with the rules and regulations established by the Board of Governors.

EC 78809 provides that the maximum enrollment of students enrolled in special day classes shall be 18 students, except when the chronological age span is more than 4 years, in which case the appropriate maximum enrollment shall be 15 students. The Board of Governors is authorized to waive under specified circumstances, the maximum class size standards prescribed by this section. College districts can also request permission of the Board to exceed this maximum class size for all or part of a school year.

EC 78812 requires the Board of Govenors to employ such persons as it is necessary to carry out the purposes of sections 78800-78820.

EC 78819 authorizes community college districts, upon approval by the Board of Governors, to employ a special coordinator, who shall make a study of employment in occupational opportunities and who shall assist in the coordination of the education of mentally retarded students.

EC 78820 requires the Board of Governors to prescribe procedures for qualifying for allowances for special classes for mentally retarded students. The Board is also directed to determine the amount of such allowances.

EC 78821 authorizes district governing boards to apply to the Board of Governors for an apportionment to meet the costs of providing these special education programs for mentally retarded students.

EC 78822 establishes the application deadline, and requires applications to made in the form and matter prescribed by the Board of Governors.

EC 78823 provides that not later than 30 days after such application, the Chancellor, if he approves, shall apportion each community college district, as an advance against future apportionments, an amount equal to the maximum amount allowable for each type of program included in the request.

EC 78824 requires the Chancellor to furnish an abstract of all apportionments so made to the State Controller, the Department of Finance, and to the county auditor, county treasurer and county superintendent of schools.

EC 78840 authorizes the Board of Governors to adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded students enrolled in special day classes for suitable occupations. The students must be under 21 years of age.

EC 78842 requires the Board of Governors to reimburse school districts for the cost per student per year, or fraction thereof, for the services provided by sheltered workshops and work establishments, which may be contracted with by districts. Such reimbursement shall be the cost of such service not to exceed $650 per year, less the share of the community college district, as determined pursuant to rules and regulations adopted by the Board of Governors.

EC 78861 relates to grants to instructors of mentally retarded students. The Board of Governors is directed to make certain allowances to community college districts making such grants.

EC 78863 requires the Chancellor, upon approval of the Board of Governors, to establish rules and regulations for administration of these sections.

Comment: This agency is no longer making any attempt to meet any of these mandates. Again, all regulations which were formerly adopted to meet these mandates were repealed when the AB 77 regula-

tions were adopted. AB 1648 would repeal all of these sections. It would add section 78800 relating to the prohibition of new programs for the retarded on or after May 1, 1973.

Recommendation: Sections 78800-78863 should be repealed. AB 77 and the regulations adopted pursuant thereto superseded these mandates.

* 205. EC 78920 - This section requires community college districts to make reports, whenever required, directly to the Board of Governors, concerning the instructional material used in its colleges.

Comment: We rarely, if ever, have used the authority of this section to obtain reports on instructional material used in colleges. The word, "directly to the Board of Governors," seems to indicate that the Chancellor's Office is circumvented.

Recommendation: This section should be amended to allow the Chancellor's Office, in addition to the Board, to require such reports.

* 206. EC 79010 - This section authorizes the Board of Governors, with the approval of the Governor, to close community colleges or postpone their opening if there is a state of war and the closing or delayed opening is necessary for the planting or harvesting of crops.

Comment: The Board has never acted pursuant to this authorization.

Recommendation: This section should be repealed. This seems to be a more appropriate authority for the Governor or President of the United States.

* 207. EC 79013 - This section authorizes the Board of Governors to make its orders closing or postponing the opening of colleges applicable to any district, or any group thereof, and further authorizes the Board of Governors to alter, amend, or rescind such order from time to time.

Comment: Again, the Board has never exercised its authority under this section.

Recommendation: This section should be repealed.

208. EC 79131 - This section has to do with the conduct of classes in county institutions such as tuberculosis or polio wards, hospitals, or sanitoriums. The Board of Governors is required to adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

Comment: The Board has not adopted the standards and regulations required in this section. The extent to which districts have classes which are operating pursuant to sections 79130-79132 is not known.

Recommendation: Sections 79130 -79132 should be reviewed, as should all other sections which related to contracted instruction. A policy needs to be developed on financing contracted instruction.

* 209. EC 79140 - This section creates a one-year pilot program to provide educational opportunities for selected inmates confined in California correctional institutions. The attendance of inmates or wards in such classes is not to be included for purposes of ADA, but the attendance is to be separately reported to the Chancellor's Office. Districts are required to report to the Chancellor's Office, before November 1, 1975, on the nature and scope of all contracts entered into pursuant to section 2079.5 of the Penal Code.

Comment: This section was formerly section 25429.5 of the Education Code, which was added by Chapter 1436 of the Statutes of 1974. Section 5 of that act provided: "This act shall be operative commencing July 1, 1975, and shall have no force in affect after June 30, 1976."

Recommendation: This section should be repealed.

* 210. EC 79150 - This section directs the Chancellor to conduct a five-year pilot program for cooperative education in not more than five community college districts. The Chancellor is directed to approve cooperative education programs which are submitted by the five pilot districts. Finally, follow-up evaluations and recommendations for new cooperative education programs are to be made by the Chancellor.

Comment: This initially started out as a three-year project, which was extended to a five-year project. The five-year project expired on September 17, 1978. There was some work done on follow-up evaluations and recommendations for new cooperative education programs done by this office, but a final document was never completed.

Recommendation: A final report as to our evaluation of the project and our recommendations for new cooperative education programs needs to be prepared as soon as possible, and should be made available to the Legislature. This section should be repealed, since SB 941 (independent study) accommodates most of its features.

* 211. EC 81004 - This section authorizes community college districts situated in counties with the population of 228,309 or more to enter into an agreement with the federal government for a special use permit wherein the community college district is authorized to construct, maintain, and operate school buildings upon National Forest Service land. These agreements are subject to the approval of the Board of Governors.

Comment: Such agreements, if any, have never been submitted to us for approval.

Recommendation: The Board's role as to approval should be deleted. A better option would be to repeal the whole section, since the district could act in this manner under the Permissive Code.

* 212. EC 81005 - This section authorizes community college districts to enter into agreement with the federal government for the use of federal property and facilities for the educational programs of the district. Such agreements are subject to the approval of the Board of Governors.

Comment: There are several districts which use federal property. The Board has approved these agreements, at least those which have been submitted to it. AB 1648 would make a technical amendment to this section.

Recommendation: Again, the Board's responsibilities with respect to approval of these agreements should be deleted, or the section itself should be repealed.

213. EC 81031 - This section requires the Board of Governors to establish standards for school sites.

Comment: EC 71077 establishes a similar mandate. Neither of these mandates have been fulfilled. However, if a district is applying for state funds under the Community College Construction Act, for the purposes of acquiring a site, this is a "project" which this office must approve. Under the Construction Act we are developing procedures for evaluating such sites, since EC 81836 requires the Chancellor to advise districts on the acquisition of sites. AB 1648 would technically amend this section.

Recommendation: We should establish procedures and standards for campus site selection and make them available to districts. This is especially important when state money is involved, and because CPEC will be reviewing these sites selected. EC 71077 should be repealed as redundant.

* 214. EC 81033 - This section requires community college districts to conduct specified surveys and investigations prior to acquiring any site on which they propose to construct any facility. A copy of a report of each investigation conducted by the district is required to be submitted to the Board of Governors.

Comment: Districts, as far as we know, are sending copies of the reports required to be submitted pursuant of this section. These reports are necessary.

Recommendation: The campus site selection procedures that we develop should emphasize the requirements of this section. The Board should delegate its responsibility under this section.

* 215. EC 81036 - This section requires community college districts, if a proposed site is within two miles of an airport, to give the Board of Governors notice in writing of the proposed acquisition, and to submit any information required by the Board of Governors. The Board of Governors is then required to notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics and the Board of Governors are to investigate the proposed site, and to, within 30 days, submit to the district a

written report and recommendations concerning acquisition of the site. The college district cannot acquire title to the property until it receives the Board's report.

Comment: Districts are complying with this section. This office is too. AB 1648 would technically amend this section.

Recommendation: The Board of Governors should delegate its responsibilities to the Chancellor.

* 216. EC 81037 - This section also requires the Board of Governors to notify the Department of Aeronautics, in writing, of the proposed acquisition of the site which is within two miles of an airport. The Board of Governors is also required to conduct an investigation and make a report on the acquisition of the property.

Comment: Districts are in compliance with this section. We also operate in compliance with this section.

Recommendation: The Board of Governors should delegate these responsibilities to the Chancellor.

* 217. EC 81038 - This section provides that if the report of the Board of Governors does not favor acquisition of a site, and this report is based solely or partially on the unfavorable recommendation at the Department of Aeronautics, no state funding shall be made available for the site. If the recommendation of the Department of Aeronautics is unfavorable, this recommendation cannot be overruled without the express approval of the Board of Governors and the State Allocation Board.

Comment: We are operating in compliance with this section.

Recommendation: The Board of Governors should delegate this approval authority to the Chancellor.

* 218. EC 81050 - This section requires the Board of Governors to establish rules and regulations needed for expeditious handling of the work required to carry out the purposes of this article.

Comment: Apparently this section's reference to "this article" is in error. The article only consists of two sections, sections 81050 and 81051. At any rate, the Board has not adopted any regulations to meet these or any similar statutes.

Recommendation: This section should be repealed. The Board already has the necessary regulatory authority in EC 81805.

* 219. EC 81051 - This section provides that all money collected by the Board of Governors under the provisions of this article shall be available for the use by the Board pursuant to appropriations for such use as may be made from time to time by the Legislature.

Comment: No one knows whether we have ever collected any money pursuant to these sections.

Recommendation: This section should be repealed, as the Board already has this authority pursuant to EC 81800-81845.

220. EC 81082 - This section requires a manufacturer of factory-built buildings designed or intended for use as school buildings to submit to the Department of General Services and the Board of Governors for approval, its plans, specifications, methods of construction, and estimates of cost of such buildings. The manufacturer is required to reimburse the Department of General Services and the Board of Governors for the actual expenses incurred by those departments under review of such plans and specifications.

Comment: We review plans for factory-built buildings. We also charge fees.

Recommendation: None

* 221. EC 81101 - This section requires the Board of Governors to establish approval of duplicate plans for school buildings appropriate for community college districts and rural areas, and to provide specifications for the design and construction of such buildings.

Comment: We have not met these mandates. The Facilities Planning Unit thinks they are unrealistic. AB 1648 would repeal this section.

Recommendations: This section should be repealed.

* 222. EC 81102 - This section authorizes community college districts to request from the Board of Governors such plans and specifications appropriate for use in constructing a school building of the type desired by the district. Such plans and specifications are furnished to the district subject to the payment of the actual expense incurred by the Board of Governors in providing the plan. Any payment received for such plans and specifications must be paid into the State Treasury, to the credit of the General Fund.

Comment: Districts have never requested plans from us. We are not staffed to prepare such plans.

Recommendation: This section should be repealed.

* 223. EC 81145 - This section authorizes the governing board of the community college district or ten percent of the parents having students enrolled in any community college district, to request the Department of General Services to make an examination and report on the structural conditions of any school building in the district, provided the governing board of the district pays the actual expenses incurred by the Department of General Services in making this examination. Payment of these expenses will be waived, if the Board of Governors recommends such waiver based on the fact that the district cannot afford to make the payments.

Comment: No requests for waivers have ever been filed.

Recommendation: This section should be repealed.

* 224. EC 81363 - This section pertains to the sale or lease of real property owned by the district. Funds derived from the sale or lease with the option to purchase must be used for capital outlay; provided however, that such funds may be deposited in the general fund of the district if, prior to this sale or lease, the district governing board and the Board of Governors have determined that the district has no anticipated need for additional sites for building construction for the five years following such sale or lease.

Comment: Apparently this section is not being used because no district has yet sought approval for the transfer of such funds. There is no compelling reason for the Board of Governors to be involved in approving such transfers. AB 1648 would repeal this section.

Recommendation: This section should either be repealed or amended so as to delete the Board's approval role.

* 225. EC 81400 - This section has to do with joint occupancy of facilities. Districts are required to receive the approval of the Board of Governors or any proposal relating to the joint use of real property or buildings. The Board of Governors must either approve or disapprove such proposals within 45 days.

Comment: Apparently this section is not being used, since no district has submitted such a proposal to us. There is not compelling reason for the Board to approve such proposals. AB 1648 would repeal this section.

Recommendation: This section should either be repealed or amended so as to delete the Board's role with respect to approval.

226. EC 81800-81845 - These provisions constitute the Community College Construction Act of 1967. They will need to be reviewed in their totality in connection with the upcoming finance legislation. The following sections, while not specifying any powers or duties of the Board of Governors and Chancellor's Office, are especially pertinent for review:

EC 81802 defines the term "project." This definition might need to be expanded or limited if it is to comport with an intersegmental definition of the term "project" which may be developed.

EC 81803 defines the term "weekly student contact hours." This term will need to be changed if we no longer use the weekly student contact hour.

EC 81820-81821 establish the form and content of the five-year plan for capital construction. Perhaps the five-year planning process is too long. Perhaps, also, the contents of such plans need to be changed.

EC 81839 - This section provides formulas for the determination of relative district ability. These formulas are no longer useful in light of Proposition 13. A district's' contribution to capital outlay, if any, needs to calculated according to a different formula.

EC 81840-81840.1 - These sections will need to be looked at in connection with whatever is done with section 81839.

227. EC 81805 - This section provides that the Community College Construction Act shall be administered by the Chancellor, according to such rules and regulations that the Board of Governors may adopt. The Chancellor is directed to assemble statewide data on facility and construction costs, and to formulate cost standards and construction standards.

Comment: The Board has adopted regulations for administration of the Community College Construction Act in Title 5, sections 57000-57033. This office has assembled and annually updates statewide data on facility and construction costs, and has formulated cost standards and construction standards.

Recommendation: None

228. EC 81806 - This section provides that any action of the Chancellor in administering the Community College Construction Act may be appealed to the Board of Governors. The decision of the Board on such appeals is final.

Comment: None

Recommendation: None

229. EC 81807 - This section provides that funds appropriated for projects pursuant to the Construction Act are to be allocated and disbursed upon order of the Chancellor, and by warrant of the State Controller.

Comment: None

Recommendation: None

231. EC 81809 - This section provides that upon completion of a project the district governing board is to submit to the Chancellor a final report on all expenditures in connection with the project and the sources of the funds expended.

Comment: The Budget and Accounting Unit receives these final reports. The final 15% of funding is withheld pending receipt of such reports. The Facilities Planning Unit does not review them.

Recommendation: The Facilities Planning Unit should review the final reports prior to payment of the final 15% of the project.

* 231. EC 81820 - This section requires that on or before November 1, 1967, district governing boards are to prepare and submit to the Chancellor a ten-year plan for capital construction. After January 1, 1975, these plans are to reflect a five-year planning process. On or before February 1, and each succeeding year, districts are to extend these plans by one year by outlining the required modifications or changes, if any, that need to be made in the five-year plan.

Comment: Districts are complying with these mandates. The first sentence of the section, which related to the establishment of the ten-year planning process, is now outdated.

Recommendation: The first sentence of the section should be deleted.

232. EC 81821 - This section establishes the contents of the plan for capital construction. Among other things districts are required to report the enrollment capacity of the districts expressed in terms of weekly student contact hours and based on the space and utilization standards adopted by the Board of Governors. Districts are also required to report their office, library and supporting facilities capacities as derived from the physical plant standards for such facilities adopted by the Board of Governors. Finally, districts are required to provide an annual inventory of all facilities using standards definitions, forms, and instructions adopted by the Board of Governors.

Comment: The Board of Governors has adopted space and utilization standards, physical plant standards and annual inventory standards.

Recommendation: None

233. EC 81822 - This section requires the Chancellor to review and evaluate the plans for capital construction submitted by the district governing boards, and to make such revisions and changes as are appropriate, in approving such plans. The Chancellor is required to promptly notify districts of approval.

Comment: We are in compliance with this section.

Recommendation: None

234. EC 81823 - This section relates to the submission of separate plans of educational centers, which are considered apart from the regular plan for capital construction of the district. The Board of Governors is to adopt rules and regulations to implement this section.

Comment: The Board has adopted such rules and regulations in Title 5, section 57033.

Recommendation: None

235. EC 81830 - This section authorizes districts to submit proposed projects to the Chancellor for review and approval. Such projects are to be submitted in the form and content as prescribed by rules and regulations of the Board of Governors.

Comment: The Board has adopted regulations relating to the Construction Act in Title 5, sections 57000-57033. These regulations do not expressly address the form and content of proposed projects, or the review of such projects. It is not necessary to have rules and regulations for the submission of such proposals.

Recommendation: This section should be amended to require the summission of projects in the form and content required by the Chancellor. This change should be accomplished by separate capital outlay legislation or through the long-term finance legislation.

* 236. EC 81831 - This section requires the Chancellor to review and evaluate each proposed project, and if approved after review by the Board of Governors, to transmit the approved project to the Department of Finance not later than May 1 of each year. Proposed projects not approved are to be returned to the district with recommendations concerning changes deemed necessary by the Chancellor.

Comment: We are in compliance with this section.

Recommendation: The reference to the date April 1, 1968, could be deleted from this provision. This was only a one-time requirement.

* 237. EC 81833 - This section provides that a proposed project submitted by community college districts prior to February 1, of a given year shall be finally acted upon by the Chancellor by May 1 each year thereafter.

Comment: We are in compliance with this section.

Recommendation: The references to April 1968, and July 1968, could be deleted from this bill. Again, they were one-time references.

238. EC 81835 - This section requires the Chancellor to review and evaluate preliminary plans for projects which are submitted by the district governing board pursuant to EC 81834. The Chancellor must approve or disapprove of such plans on or before November 15 each year following the date of their submission. The Chancellor is further provided with the authority to confer and advise district governing boards as to modifications and alterations in preliminary plans for projects.

Comment: We are complying with the mandates of this section.

Recommendation: None

239. EC 81836 - This section requires the Chancellor to:

(a) Advise community college districts on the acquisition of new college sites, and, after a review of available plots, give districts a written list of approved locations in the order of their merit. The Chancellor may charge a specified fee for such site reviews;

(b) Establish standards for community college facilities;

(c) Review all plans and specifications for all constructions of every community college district required to submit plans and specifications to the Chancellor for approval. The Chancellor's Office is required to charge districts a fee for such review;

(d) Approve plans and specifications submitted by districts, and return without approval and with recommendations for changes, any plans not conforming to establish standards;

(e) Make, upon the request of the community college districts, a survey of the building needs of the district, advise the district concerning such needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey; and

(f) Employ experts, and clerical and stenographic assistance as may be required for expediting the checking and approving of plans and specifications.

Comment: We are in compliance with all these mandates. We charge the fee mentioned in subsection (a).

Recommendation: None

240. EC 81837 - This section requires districts, before letting any contract exceeding $20,000 or more, to submit plans therefore to the Chancellor's Office, and to obtain written approval of the plans by the Office.

Comment: Districts are almost always in compliance with this section. We review and approve such plans when they are submitted to us.

Recommendation: The policy of this office having an approval role with respect to projects which are not state funded should be reviewed.

241. EC 81838 - This section specifies the type of review and evaluation of a preliminary plan that is to be undertaken by the Chancellor. Included is an architectural analysis to determine costs of the various phases of the projects, a determination of the amount of federal funds available for the project, a determination of the respective state and local shares of the project, and a determination of the total funds immediately required for the first phase of the project.

Comment: We are meeting the mandates of this section; however, since the passage of Proposition 13, it does not make sense to compute the respective state and local shares of projects according to the presently established ratio for "relative district ability."

Recommendation: Provisions relating to relative district ability and state and local shares should be amended, so as to reflect post-Proposition 13 realities. This amendment should be done in connection with the Finance Study.

242. EC 81839 - This section provides formulas for the computation of relative district ability, part of which formulas are reliant upon projected enrolled weekly student contact hours. Such projections are to be determined by the Department of Finance in cooperation with the Board of Governors and the affected community college districts.

Comment: We are in compliance with this section. This section may need to be changed in connection with the Finance Study, especially the long-term bill.

Recommendation: None

243. EC 81844 - This section authorizes districts to begin work on, or receive or award bids for, any portion of an approved project prior to the appropriation by the Legislature of the state share of funding if the district has demonstrated certain facts to the satisfaction of the Board of Governors and the Department of Finance.

Comment: Our operating procedures are in compliance with this section.

Recommendation: None

244. EC 81846 - This section, for the 1978-79 fiscal year only, authorizes the Chancellor, with the approval of the Department of Finance, to provide additional funding to community college districts for state-approved capital outlay projects in two categories of priority (AB 2158, Thomas - Chapter 1266, Statutes of 1978).

Comment: None

Recommendation: None

* 245. EC 82100 - 82150 - These sections relate to community college construction. They preceded the Community College Construction Act of 1967, and should have been repealed when that Act was adopted. However, those sections which establish powers or duties of the Board of Governors or Chancellor's Office are as follows:

EC 82110, in part, requires the Board of Governors to establish the cost per unit of average daily attendance housed in community college facilities.

EC 82111 requires this chapter on community college construction to be administered by the Board of Governors, which is directed to adopt such rules and regulations as it deems necessary to carry out the specified purposes.

EC 82121 requires the Board to establish forms for applications for assistance.

EC 82122 requires the Board of Governors to make certain computations with respect to the estimated units of average daily attendance in growth of a community college district.

EC 82123 requires the Board to establish rules and regulations with respect to computation of present average daily attendance.

EC 82124 requires the Board to make certain computations with respect to assessed valuations of districts.

Comment: This office is not operating under or enforcing any of these provisions. AB 1648 would repeal these provisions. It would also reenact section 8210 Section 82100 expresses legislative intent regarding the importance of community college facilities.

Recommendation: EC 82100 - 82150 should be repealed. Section 82100 should be reeancted in the Community College Construction Act (EC 81800 - 81845).

246. EC 84004 - This section requires the Board of Governors to provide a uniform system of accounting for all community colleges, and to establish by rule and regulation methods for accounting for revenues and expenses for community colleges.

Comment: This section is similar to the mandates established in sections 84030 and 71073. We have generally complied with these requirements in that we have established a Budget and Accounting Manual, which is incorporated by reference into Title 5, section 59010. The Fiscal Services Unit expresses a need for making the accounting system and practices truly uniform.

Recommendation: The accounting system and practices should be modified, if necessary, in connection with the Finance Study.

247. EC 84005 - This section requires districts to annually report the revenues and expenses of the district in accordance with rules and regulations of the Board of Governors, on forms provided by the Chancellor's Office .

Comment: The districts and this office are complying with the mandates of this section.

Recommendation: None

248. EC 84030 - This section requires district accounting systems to be in accordance with the definitions, instructions, and proceedures published in the Budget and Accounting Manual of the Board of Governors. The Accounting Manual is prohibited from (expressly or by implication) affecting the content of any educational program or objective.

Comment: None

Recommendation: None

* 249. EC 84032 - This section provides that for the purposes of making certain allocations for the educationally handicapped, physically handicapped, or mentally retarded, the Board of Governors shall require the use of a uniform cost accounting procedure, as set forth in the Budget and Accounting Manual.

Comment: Provisions establishing such accounting procedures are contained in the Budget and Accounting Manual. Since we plan to take action to repeal these provisions relating to the handicapped, we should also repeal this section. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

250. EC 84033 - This section provides that whenever certain expenditures for any special program fund, for which a special fund is required by law, are: 1) authorized by law and by action of the governing board to be paid from the general fund of the district, or 2) required by law to be paid from the general fund of the district, the amount estimated or actually required to meet these expenses shall be transferred from the general fund to the special fund as appropriate. Any amount transferred in excess of the amount actually required shall be refunded to general fund. The Board of Governors is authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

Comment: We have adopted regulations for the transfer of funds between general and special funds in the Budget and Accounting Manual. AB 1648 would repeal this section.

Recommendation: Regulations relating to reserves generally, and the transfer of funds between special and general funds, should be developed.

251. EC 84040 - This section relates to the annual fiscal audit of community college districts. The Board of Governors is directed to make any necessary adjustments and future apportionments of all state funds to correct any discrepancies revealed by such audit reports.

Comment: We are presently complying with this section. The Board has adopted district audit procedures in Title 5, sections 59050-59070.

Recommendation: None

252. EC 84040.5 - This section requires the Department of Finance, in cooperation with the Auditor General and the Board of Governors, to prescribe the statements and other information to be included in the audit reports of districts, and to develop audit procedures for carrying out such audits. The Department of Finance, in cooperation with the Auditor General and the Board of Governors is to conduct a review of existing audit procedures, statements, and other information required to be included in the audit report. This review is to commence on January 1, 1978, and to be completed on August 1, 1978.

Comment: This office has assisted the Department of Finance in this undertaking. However, the Department of Finance did not meet the August 1, deadline.

Recommendation: None

253. EC 84040.6 - This section requires that on June 30, 1979, and each year thereafter, the Chancellor's Office shall report to the Joint Legislative Audit Committee on a) the number and nature of audit exceptions and the estimated amount of funds involved in such exceptions; b) a list of districts which failed to file their audits pursuant to law; and, c) the actions taken by the Chancellor's Office to eliminate audit exceptions and rectify fiscal discrepancies.

Comment: The deadline for the first report is June 30, 1979. We should be prepared to meet that date. The Fiscal Services Unit believes it will not be able to comply with this section if the staff position in the 1979-80 budget is deleted.

Recommendation: None

254. EC 84302 - This section requires the Chancellor to report to the Controller, on or before the 25th day of September of each year, the total average daily attendance during the preceeding fiscal year credited to all community college and adult schools in the state.

Comment: We are in compliance with this section.

Recommendation: None

255. EC 84309 - 84314 - These sections relate to emergency apportionments for community college districts. Sections which establish responsibilities for the Board or the Chancellor are as follows:

EC 84309 authorizes community college districts to request an emergency apportionment through the Board of Governors.

EC 84310 sets forth the conditions which must be met prior to any apportionment. Among those conditions are that the district submit a written management review of the district conducted by a qualified management consultant, and a plan adopted by the governing board to resolve the financial problems of the district. The Chancellor is required to review these reports and certify to the Director of Finance that the actions taken to correct the financial problems of the district are realistic and will result in placing the district on a sound financial basis.

EC 84314 requires the Chancellor to withhold from apportionments to be made to the district 1/3 of the amount of the emergency apportionment for a period of three years.

Comment: We have never done an emergency apportionment.

Recommendation: Perhaps these sections should be repealed, especially in light of SB 154. This recommendation should be considered in connection with the Finance Study.

256. EC 84320 - This section requires the Chancellor to on or before July 15 of each year, certify to the Controller the advance apportionment.

Comment: We are meeting this responsibility. AB 1648 would technically amend this section.

Recommendation: None

* 257. EC 84321 - This section authorizes districts to petition the Chancellor for an advance of funds from the General Fund due to changes in federal legislation, specifically, the entitlement under Public Law 874.

Comment: It is not known whether any district has ever requested such an advance of funds. AB 1648 would repeal this section.

Recommendation: This section should be repealed as outdated.

258. EC 84322 - This section requires the Chancellor, on or before February 20 of each year, to provide for the first principal apportionment.

Comment: We are complying with this section.

Recommendation: This section should be addressed in the finance legislation.

* 259. EC 84323 - This section requires the Chancellor, on or before December 10 of each year, to provide for the special purpose apportionment.

Comment: This section would provide a special purpose apportionment for the purpose of providing transportation allowances pursuant to Education Code 84810 - 84816. This section should be repealed since the transportation allowance sections have never been used.

Recommendation: This section should be repealed.

260. EC 84324 - This section requires the Chancellor, on or before June 25 of each year, to provide for the second principal apportionment.

Comment: We are complying with this section.

Recommendation: This section should be addressed in the finance legislation.

261. EC 84325 - This section requires the Chancellor to, on or before June 25 of each year, provide for the final apportionment.

Comment: We are complying with this section.

Recommendation: None

* 262. EC 84326 - This section requires the Chancellor to apportion at such times as needed the amount allowed pursuant to section 14055.

Comment: Section 14055 is K-12 only and does not apply to community colleges. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

* 263. EC 84327 - This section requires the Chancellor to withhold from the apportionment to community college districts the amount allowed to the district by reason of the operation of sections 84721 and 84726 and Article 4.5 (commencing with section 84762). The Chancellor is then directed to add the amount withheld to the apportionment required to be made to the community college district at which the students were in attendance.

Comment: Some of these sections, namely sections 84721 and 84762, have been repealed. We have not withheld apportionment according to this section in the past.

Recommendation: This section should be amended so as to make reference to the appropriate Education Code citations. Reference to Education Code 84721 should be deleted, and reference to 84762 should be changed to 84764. This section should be considered in connection with the Finance Study.

264. EC 84328 - This section requires the Chancellor to certify each apportionment made by him or her to the State Controller.

Comment: We are in compliance with this section.

Recommendation: None

265. EC 84329 - This section requires the Chancellor to furnish an abstract of each apportionment of the State School Fund to the State Controller, the Department of Finance, and to other specified entities.

Comment: We are in compliance with this section.

Recommendation: None

* 266. EC 84330 - This section establishes a procedure for withholding from or adding to subsequent apportionments to districts to make up for previous errors in apportionment. The Chancellor is directed to add to or withhold from apportionment in accordance with regulations that he or she is authorized to adopt.

Comment: We have not adopted regulations for withholding from or adding to apportionments. We do however, withhold from or add to apportionments according to Chancellor's Office procedures.

Recommendation: References to rules and regulations of the Chancellor should be deleted from this section.

267. EC 84331 - This section creates a procedure for apportionments by the Chancellor in situations where judgments have been rendered in connection with apportionments from the State School Fund.

Comment: None

Recommendation: None

268. EC 84332 - This section allows the districts to claim the attendance of students who were under the supervision of a person not possessing appropriate certification documents, provided the district meets certain conditions. Districts are to report on forms provided by the Chancellor. On approval, the Chancellor may provide an additional amount to the apportionment of the applying districts.

Comment: None

Recommendation: This section should be addressed in connection with the Finance Study and legislation.

* 269. EC 84333 - This section requires the Board of Governors to allow to each district a computed amount for the education of severely mentally retarded students in special classes.

Comment: This section is no longer applicable in light of AB 77 (Chapter 275, Statutes of 1977) funding and regulations.

Recommendation: This section should be repealed.

270. EC 84340 - This section authorizes the Chancellor to make loans from the Community College District Organization Revolving Fund, according to criteria set forth in the section, and in the format prescribed by the Chancellor.

Comment: Such loans have been made on occasion, in connection with the formation of new districts.

Recommendation: This section should be considered in connection with the Finance Study and legislation.

* 271. EC 84341 - This section authorizes the Board of Governors to approve in advance, apportionments to a community college district for the purpose of meeting the costs of developing preliminary plans for college facilities in the district. Criteria for allowing such applications are specified in the statute.

Comment: The Board of Governors has never provided for an advance of apportionments in accordance with this section.

Recommendation: This section should be repealed since it is not being used.

272. EC 84362 - This section is the so-called "50% Law." The Board of Governors is required to enforce the requirements of this section, and is authorized to adopt whatever rules and regulations are necessary to that end. The Board may require the submission of such reports and information as may be necessary to carry out the provisions of the section. Specific provisions of the statute establish a procedure for withholding apportionment in the event of district noncompliance. The Board is also given authority with respect to granting exemptions from the requirements of this section. AB 869 (Chap. 223, Statutes of 1978) requires that Board findings relating to exemptions must be made in writing, and must be based in a majority vote of the Board.

Comment: The Board has adopted regulations to implement this section in Title 5, sections 59200-59206. Repeal or substantial modification of this section should be considered in connection with the Finance Study.

Recommendation: This section should be considered in connection with the Finance Study.

273. EC 84363 - This section requires the Chancellor, no later than the 10th calendar day of each year of the Legislature, to submit to the Legislature a written report on the operation, effect, and the extent of compliance with the provisions of the 50% Law by community college districts during the two most-recently ended fiscal years. The report is to describe the activities of the Board of Governors and the Chancellor's Office to insure compliance with the 50% Law, and may contain recommendations for the legislation pertaining to the subject.

Comment: Past reports to the Legislature, if made, have been brief, and have not contained all of the elements required to be reported on.

Recommendation: The 1979 report to the Legislature should include mention of the fact that the Finance Study is considering the continued necessity of the 50% Law.

274. EC 84370 - This section establishes the 175-day rule. The Board of Governors is required to establish standards to determine whether districts have maintained classes for 175 days.

Comment: Standards have been established in Title 5, sections 54200-54222. The extent to which districts are in compliance with these standards is unknown.

Recommendation: The Finance Study should consider whether the 175-day rule should be modified or repealed.

275. EC 84372 - This section provides certain exemptions to the 175-day rule based upon facts which a district governing board must demonstrate to the satisfaction of the Board of Governors.

Comment: Districts occasionally apply for exemptions pursuant to this section.

Recommendation: Reference to the Board of Governors should be changed to the Chancellor.

276. EC 84373 This section provides that no community college district shall receive any apportionment on account of any community college which has failed for three consecutive years to comply with the standards prescribed by the Board of Governors for accredited community colleges.

Comment: This office does not monitor, in any systematic way, compliance with standards prescribed by the Board of Governors. The reference to standards is vague, and it is thus difficult to determine which standards this office should be monitoring compliance with. No apportionment has ever been withheld pursuant to this section.

Recommendation: This section, along with sections 71025 and 71026, should be used as the basis for procedures and regulations on minimum standards. Those standards designated as minimum standards under this section should be the most critical and important standards, since noncompliance for three years will result in total loss of state support. Other minimum standards designated under section 71025 could be enforced by partial withholding of state aid on a year-to-year basis.

277. EC 84382 - This section relates to the Community College Fund for Instructional Improvement. It provides that the Board of Governors shall award direct grants to colleges on the basis of review of project proposals. Priorities for funding proposals shall be established by the Board.

Comment: We are operating in compliance with this section, except that the Board's regulations don't establish priorities for funding proposals.

Recommendation: Priorities for funding should be developed.

278. EC 84383 - This section requires the Board of Governors to evaluate projects which have been funded. The Board is also required to evaluate the effectiveness of the fund and to submit a report to the Legislature during the 1981-82 session. Not more than 5% of the fund may be used for administrative purposes by the Board in any fiscal year. The Board is required to adopt rules and regulations concerning the administration of the grant program.

Comment: We have not yet had any projects to evaluate, nor have we had to make our report to the Legislature. We currently are not operating within the 5% for administrative purposes. The Board has adopted rules and regulations concerning the administration of the direct grant program in Title 5, sections 56650-56678.

Recommendation: None

* 279. EC 84384 - This section provides $50,000 to the Board of Governors for the 1977-78 fiscal year, to establish fund priorities, develop and implement application and review procedures and criteria, and to review project applications for 1978-79 project funding. The Chancellor is also to reduce the apportionment to each community college district according to a specified formula, so as to create funds for direct grants to districts.

Comment: We are operating in compliance with this section.

Recommendation: The last paragraph of this section, which relates to a $200,000 General Fund appropriation to the fund for the 1978-79 fiscal year should be deleted. In its place should be language which requires the Board or Chancellor's Office to review the need for State funds to carry out the purposes of the Fund for Instructional Improvement and to include an estimate of such need in its budget for each year. In this manner, the additional state funding would be provided through the budgetary process rather than by a separate bill through the Legislature.

* 280. EC 84385 This section relates to that part of the Community College Fund for Instructional Improvement which may be used for loans. The Board of Governors may authorize the transfer of Section B State School Fund monies to a loan fund. If the Board decides to create such a fund, the Chancellor is required to reduce the apportionment to each district according to a specified formula.

Comment: A loan fund of $1 million was created the first year of operation.

Recommendation: Instead of all loan monies coming from funds which would ordinarily be apportioned, there should be at least a portion of new (General Fund) money for such loans. Language should be added which requires the Board of Governors or Chancellor to annually review the need for state funds to carry out the purposes of the loan fund and to include an estimate of such need in its budget for each year.

281. EC 84386 - This section provides that a district's request for uses of a loan shall be made in accordance with rules and regulations adopted by the Board of Governors.

Comment: The Board has adopted rules and regulations relating to such loans in Title 5, sections 56680-56682.

Recommendation: The regulations relating to the loan fund need to be reviewed, and possibly augmented.

282. EC 84387 - This section provides for loans to be drawn upon certification by the Chancellor, and establishes a repayment procedure.

Comment: We are operating in accordance with this section.

Recommendation: None

283. EC 84500 - This section relates to general conditions for computing the average daily attendance, which was most recently amended by SB 941 (Chapter 1055, Statutes of 1978). Effective January 1, 1979, districts will be authorized to include the attendance of students enrolled in approved courses or programs of independent study, provided that the Board of Governors has approved such courses or programs, and provided such courses or programs are operated in accordance with rules and regulations adopted by the Board. The Board is further required to study the educational and fiscal effects of this independent study authorization, and to report to the Legislature prior to June 30, 1981, on the appropriateness of deleting or extending this authorization.

Comment: The Board adopted the regulations required by SB 941 on December 8, 1978.

Recommendation: Proposed Title 5 regulations defining the terms "immediate supervision and control" and "employee of the district" should also be adopted. Subsection (b) of section 84500 should be amended so as to delete the 125:1 pupil/teacher ratio for work experience programs. Also, subsection (e) of this section, which requires separate reporting of the positive records of attendance in all inservice training courses in the area of police, fire, corrections, and other criminal justice occupations, should be looked at with an eye towards deletion. Possibly there is no compelling reason for this attendance to be separately reported. The Board Legislative Committee rejected the recommendation regarding deletion of the 125:1 ratio.

284. EC 84500.1 - This section prohibits community college districts from reporting attendance for a class if the district receives full compensation for the direct education costs of the class, or if the class is not located in facilities clearly identified in such a manner, and established by appropriate procedures to insure that attendance in the classes are open to the general public. The Board of Governors is authorized to adopt such regulations as may be necessary to enforce this section.

Comment: The Board of Governors has adopted such regulations in Title 5, sections 51820-51826. These regulations do not cover the subject of whether the district is receiving "full compensation" for its direct education costs. It is not known whether community college districts are claiming attendance in compliance with this section. Through 1978 legislation, the number of this section was changed from 78452, which related to adult education. As such, this mandate now clearly applies to all community college offerings, and not just the adult education offerings.

Recommendation: Regulations that deal "full compensation" for direct education costs should be developed.

285. EC 84503 This section provides that in the instance of a district reorganization or a change in district boundaries which results in students not having suitable quarters in which to maintain college for all day students of the district, that the district of residence shall contract with the governing board of another district for the education of those for whom suitable quarters are not available. The Board of Governors is required to make determinations as to availability of quarters.

Comment: No districts are operating under this section.

Recommendation: This section should be repealed since it is no longer being used.

286. EC 84520 This section establishes a census week procedure for regular academic year programs, independent study programs, and intersession programs. As to regular academic year programs, the Board of Governors is required to establish statewide factors, which are subject to review by the Department of Finance. As to independent study programs (courses which do not have a regularly scheduled number of weekly student contact hours), the nature, manner, and place of conducting such programs is to be determined by rules and regulations adopted by the Board. As to intersessions, the Board is required to establish statewide factors which are subject to the approval of the Department of Finance.

Comment: Section 84520, as described above, became effective January 1, 1979 (AB 1905, Chapter 1065). By adopting the SB 941 regulations on independent study, we will meet the mandates provided in the second paragraph of this section. We will, however, need to establish statewide factors for intersession programs. As a result of the Finance Study, there may be recommendations concerning the academic calendar and student workload measurement.

Recommendation: This section should be considered in connection with the Finance Study and legislation.

287. EC 84521 This section authorizes the Chancellor to approve short-term classes, including "other sessions," so that attendance recorded during such sessions may be computed and claimed for apportionments pursuant to EC 84520.

Comment: Thus far the Chancellor has not been requested to approve "other sessions". The authorization provided by this section would have run out on July 1, 1978; however legislation sponsored by the Chancellor's Office (SB 1893 - Dunlap) extended the authorization indefinitely.

Recommendation: This section should be considered in connection with the Finance Study and legislation.

288. EC 84522 This section requires the Board of Governors, with the approval of the Department of Finance, to determine two census weeks for each term of the regular academic year, and a single census week for intersession school. The Board is also required to develop a drop date for attendance accounting purposes. Finally, the Chancellor's Office is required to study and test the validity of these factors, and the Board is periodically required to make such adjustments as are necessary to these factors.

Comment: Census weeks for each term of the regular academic year have been established in Title 5, sections 54204 and 54500-54502. Census weeks for intersessions have not been established. The drop date has been established in Title 5, sections 54504-54510.

Recommendation: This section should be considered in connection with the Finance Study and legislation.

289. EC 84527 This section authorizes the Chancellor's Office to adopt rules and regulations and all other provisions necessary to carry out the provisions relating to computation of average daily attendance (EC 84520-84533).

Comment: Such regulations have been adopted in Title 5, sections 54200-54222, and 54500-54512.

Recommendation: Additional regulations relating to attendance and computation of ADA may be required as a result of the Finance Study.

* 290. EC 84532 - This section authorizes the governing board of any community college, upon approval by the Board of Governors, to use a system of attendance accounting and reporting on a districtwide basis.

Comment: This section is a carry over from K-14 days and has no applicability to community colleges.

Recommendation: This section should be repealed.

* 291. EC 84560 This section provides that mentally retarded students who are enrolled in work study programs approved by the Board of Governors are to be credited with one full day of attendance for each day of attendance in the approved program. No student shall be credited with more than 5 days of attendance per calendar week or more than the number of calendar days such special school or class is maintained by the district in each fiscal year.

Comment: This section seems to limit the number of contact hours that may be generated by mentally retarded students. Similar limitations have been enacted as to the educationally handicapped (EC 76340-76341) and the physically handicapped (EC 76330).

Recommendation: This section should be repealed since the provisions relating to programs for mentally retarded (EC 78800 et seq) should be repealed. The Title 5 regulations on students with learning disabilities, sections 56350-56360, establish the appropriate contact hour limitations.

292. EC 84571 This section establishes the procedure for the Board of Governors to estimate the average daily attendance of a district in the event that the attendance records of the district have been lost or destroyed.

Comment: Attendance records have never been lost.

Recommendation: The Board of Governors should delegate this responsibility to the Chancellor.

293. EC 84572 This section establishes procedure by which the Board of Governors will estimate the average daily attendance of a district in the event that specified emergencies have materially decreased the ADA of a district. The district will then receive the approximate ADA it would have received had the emergency not occurred.

Comment: AB 1648 would technically amend this section. One or two districts apply pursuant to this section each year.

Recommendation: None

294. EC 84700-84707 These sections are general provisions relating to the computation of apportionments from Section B of the State School Fund. Sections which establish responsibilities of the Board of Governors or Chancellor's Office are as follows:

EC 84701 requires districts to report on forms provided by the Chancellor, the "first period" report, the "second period" report, and other reports.

EC 84702. This section authorizes districts, with the approval of the Chancellor, to file a report on the estimated total average daily attendance for the fiscal year in lieu of filing the second period report. This report is to be made on a form prescribed by the Chancellor. If estimated total ADA exceeds actual ADA, the Chancellor is directed to withhold apportionment during the succeeding fiscal year.

EC 84703. This section provides that in the event miscellaneous funds received by districts are more or less than reported to the Chancellor, the Chancellor shall withhold from or add to apportionments during the succeeding fiscal year.

EC 84704 defines the term "miscellaneous funds," and requires such funds to be reported in accordance with regulations of the Chancellor.

Comment: This office and districts are in compliance with these sections. We have not adopted regulations with respect to "miscellaneous funds", however. AB 1648 would make technical amendments to these sections.

Recommendation: These sections should be reviewed in connection with the Finance Study. We should make an effort to insure that these reporting provisions are all necessary.

295. EC 84720-84726 - These sections relate to the computation of the foundation program. Provisions which establish responsibilities for Chancellor or Board of Governors are as follows:

EC 84720 requires the Chancellor to compute for each community college district the appropriate foundation program.

EC 84724 authorizes the Chancellor to increase the various foundation programs for districts in accordance with the specifications in the Budget Act.

EC 84725, with certain exceptions, requires the Chancellor to increase the various foundation programs to a specified maximum amount. It also requires the Chancellor to increase the computational tax according to a specified formula. Finally, the Chancellor is required to identify to each district the amount of increased foundation support granted, which is used as a limitation on taxes that may be levied by the district.

EC 84726 requires the Chancellor to annually compute the amount of state aid in support of the State Teacher's Retirement System. The Chancellor is further required to notify each district of the amount of increase aid granted pursuant to this section.

Comment: The continued viability of these sections is uncertain in light of the passage of Proposition 13. AB 1648 would make a technical amendment to section 84725.

Recommendation: These sections should be dealt with in the Finance Study and legislation being prepared by this office.

296. EC 84730-84738 - These sections pertain to the computation of district aid. Sections which establish responsibilities of the Chancellor or Board of Governors are as follows:

EC 84730 requires county auditors to furnish the Chancellor the assessed valuation and tax rate of each community college district situated within the county.

EC 84730.5 requires certain computations regarding assessed valuation to be made by each county auditor, and reported to the Superintendent of Public Instruction. Reference to the Superintendent of Public Instruction is inaccurate, and the section should be amended to refer to the Chancellor.

EC 84732 requires the Chancellor to make certain computations in calculating district aid. The Chancellor certifies the appropriate figures to the Controller.

EC 84733 authorizes districts to request the Chancellor to compute district aid using an alternative formula in situations where the total tax revenues realized for any fiscal year are less than what have been realized from the total assessed value property in the district because of allocation of tax receipts to a redevelopment agency.

EC 84734 requires the Chancellor to use certain other figures in determining the total assessed valuation of property in the district, when the district so requests.

EC 84736 requires the Chancellor, in computing district aid, to take into account the amount of assessed valuation which was the basis for the allocation of state replacement funds pursuant to Revenue and Taxation Code section 988.

EC 84737 requires county auditors to furnish to the Chancellor a corrected assessed valuation of property within the district. The Chancellor is to use these corrected valuation amounts for purposes of making all computations for district aid.

EC 84738 requires the Chancellor, in computing district aid, to add the amount of assessed valuation which was the basis for the allocation of state replacement funds pursuant to section 84070 to the actual assessed valuation of the district before computing apportionment to the district.

Comment: The continued viability of these sections is subject to question in light of the passage of Proposition 13.

Recommendation: These sections should be reviewed in conjunction with the Finance Study. The computation of district aid seems to be very much in the air in light of Proposition 13.

297. EC 84764-84769 - These sections pertain to the computation of state apportionments for community college districts. Sections which establish responsibilities for the Chancellor's Office include the following:

EC 84764 requires the Chancellor's Office to make certain computations and to apportion state aid in accordance with such computations.

EC 84765 requires the Chancellor's Office to make certain computations and to apportion state funds according to such computations.

EC 84768 requires the Chancellor to exclude from the computation of state apportionments the average daily attendance of non-resident students and of inmates of various institutions.

Comment: None

Recommendation: These sections will need to be considered in connection with the Finance Study and legislation.

298. EC 84772 - This section requires the Chancellor to compute state equalization aid pursuant to this section and section 84771, upon the basis that the district's assessed value has not been reduced by the partial exemption for business inventories in the district or reduced by the homeowner's property tax exemption.

Comment: We are continuing to use this section since SB 154.

Recommendation: This section should be considered in connection with the Finance Study and legislation.

* 299. EC 84781 - This section requires the Chancellor to allow to each district an amount equal to the actual current expense of maintaining adult education classes for prisoners in any county jail or county industrial farm. The Chancellor, by rules and regulations, is required to establish minimum standards for the conduct of adult education classes.

Comment: We currently have not been requested to provide the allowances which are authorized by this section. Also, we have not adopted rules and regulations that establish minimum standards for the conduct of adult education classes in jails. The continued viability of this section is uncertain in light of section 84768, which was added by SB 1641 (Chapter 323, Statutes of 1976), and which provides a much more limited authorization for allowances.

Recommendation: This section should be repealed since it has been superseded by EC 84768. State aid for inmate education should be considered as part of the Finance Study.

300. EC 84790 - This section requires the Chancellor to allow to each district for each unit of ADA of students not residing in the district and not residing in any district maintaining a community college, basic state aid of $125.

Comment: We are complying with this mandate.

Recommendation: None

301. EC 84800 - This section requires the Chancellor to provide a specified allowance for each unit of ADA reported pursuant to section 84533 (relating to vocational programs).

Comment: None

Recommendation: This section should be considered in connection with the Finance Study.

* 302. EC 84810-84820 - These sections relate to transportation allowances. Sections 84810 and 84811 specify that computations are to be made pursuant to these sections.

EC 84812 excludes from the "total current expenses of transportation" any amount of rental of school buses which is in excess of the amount allowed to districts for replacement of district-owned buses in accordance with regulations of the Chancellor. We have not adopted such regulations.

EC 84813 requires the Chancellor to make allowances for transportation pursuant to these sections, in accordance with regulations adopted by him or her. The content of such regulations is specified in this section. These regulations have not been adopted.

EC 84814 requires the Chancellor to utilize the specified period of time when making regulations regarding the school day during which a school bus is operated. Such regulations have not been adopted.

EC 84815 authorizes the Chancellor to make certain additional allowances if it is determined that the transportation expenses of the district for the preceding fiscal year is substantially affected by the sparcity of population in all or a portion of the district. The method of computation is specified in the statute, and the Chancellor is authorized to adopt rules and regulations defining specified terms. Such regulations have not been adopted.

EC 84816 requires the Chancellor to apply the same standards for approving the expenditures for transportation provided by districts and school buses owned and operated by the district and expenditures for such transportation provided by contract with a common carrier, a municipally owned transit system, or a private party.

EC 84817 authorizes an additional allowance for transportation that may be made by the Chancellor for the purposes of transporting the blind, deaf, and other handicapped students.

EC 84820. This section authorizes the Chancellor to provide an additional allowance for the purpose of transporting minor students whose vision or hearing is impaired.

Comment: No districts are claiming transportation allowances pursuant to these sections. AB 1648 would make technical amendments to sections 84812, 84813, 84814 and 84816. It would repeal section 84817.

Recommendation: These sections should be repealed since they aren't being used. Transportation allowances should be considered in connection with Finance Study. Suitable allowances should be provided if they are still deemed necessary.

* 303. EC 84830-84840 - These sections relate to special education allowances for physically handicapped students, mentally retarded students and educationally handicapped students. Sections that establish powers and duties of the Chancellor and the Board of Governors are as follows:

EC 84830 requires the Chancellor to make such allowances as are provided by these sections in this article.

EC 84831 defines various terms and further requires the Board of Governors to define those physically handicapped students who are deemed eligible for special class placement.

EC 84832 requires the Chancellor to provide specified allowances for physically handicapped students according to specified class sizes.

EC 84834 requires the Chancellor to provide allowances for the education of the mentally retarded students according to a specified formula based on class size.

EC 84836 requires the Chancellor to provide the specified allowance for educationally handicapped students according to a formula based on class size.

EC 84837 allows the Chancellor, upon review, to find that if it is impossible to maintain classes of the maximum size prescribed by the Code or the Board of Governors. The Chancellor may then add to the amounts provided under sections 84832-84836, an amount sufficient to provide for the new classes.

EC 84838 requires the Chancellor to provide an allowance in addition to those provided under sections 84832-84836 for the instruction of various handicapped groups. Included in such allowances are provisions for additional amounts per ADA for programs in specialized counsultation to instructors, counselors, and supervisors for educationally handicapped students.

EC 84839 requires districts to report annually to the Chancellor, on forms provided, all expenditures and income related to special classes or programs covered by these sections. This section further authorizes the Chancellor to withhold state apportionment whenever the current expense of operating a special class of programs provided for in new sections does not equal to or exceed the various types of state and local aid provided by the Code.

EC 84840 states that allowances pursuant to this article shall be provided pursuant to regulations of the Board of Governors and standards and requirements established by the Board.

Comment: We are no longer making allowances pursuant to these sections. AB 77 and the regulations adopted to implement that measure have superseded these provisions for allowances for specified handicapped groups. Just as sections, 78600 et. seq., 78700 et. seq., and 78800 et. seq. need to be repealed, these sections also need to be repealed. In adopting AB 77 regulations, we repealed the regulations required by EC 84840. AB 1648 would repeal these sections.

Recommendation: These sections (EC 84830-84840) should be repealed.

304. EC 84850 - This section, part of AB 77, requires the Chancellor to apportion to each district, for the purpose of funding excess direct costs of providing special facilities, educational materials, educational assistance, mobility assistance, transportation, and program developmental services for handicapped students, a specified amount in each fiscal year for each such handicapped student. The Board of Governors is required to adopt rules and

regulations to implement this section. Districts receiving allowances pursuant to this section are required to report to the Chancellor on forms provided. The Chancellor is required to make a report to the Legislature not later than February 15, 1978. Further, in the event that requests for apportionments exceed the amount of state funds that are statutory available, the Chancellor is required to apportion the available funds in accordance with guidelines established and approved by the Chancellor and Director of Rehabilitation.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 56000-56088. This office also reported to the Legislature on or about February 15, 1978. The funding mechanism provided by this section was amended by AB 2670 Lanterman (Chapter 1403, Statutes of 1978), which becomes effective in 1979-80 fiscal year. In general however, funds generated for these programs continue to be insufficient to meet the needs.

Recommendation: An alternate funding mechanism for these programs needs to be developed. Perhaps this program should be funded categorically, in a manner similar to EOPS. An alternate funding mechanism could provide a specified amount of funding per identified handicapped individual with the exception that there would be some limit on the total state dollars involved.

* 305. EC 84860 - This section requires the Chancellor to provide a specified allowance to districts participating in programs for instructional television established pursuant to sections 78310 or 78311. The section goes on to state that it shall remain in effect only until such time as the new apportionments formula for funding instructional television is developed and monies are appropriated therefore. The Board of Governors is required to adopt appropriate procedures to insure an orderly transition to the new apportionment formula.

Comment: I don't believe we are providing allowances to any districts pursuant to this section. I also believe that the CIS law and regulations, and now the independent study law and regulations, serve to replace this section. AB 1648 would make a technical amendment to this section.

Recommendation: This section should be repealed.

306. EC 84870-84874 - These sections require the Chancellor to allow severance aid to college districts whenever real property within districts is required for state highway purposes.

EC 84870 specifies the computation to be made by the Chancellor.

EC 84871 specifies a severance aid computation to be made for land acquisitions occuring subsequent to June 30, 1962, prior to November 23, 1970.

EC 84872 directs the Chancellor to provide the forms for district applications for severance aid, and authorizes the Chancellor to adopt regulations.

EC 84874 requires the Chancellor on or before May 25 of each fiscal year, to determine and certify to the State Controller the amount of severance aid computed for each district.

Comment: We have not, for many years, operated under these provisions, and we haven't adopted regulations on severance aid. AB 1648 would repeal section 84871 and make other technical amendments to these sections.

Recommendation: None

307. EC 84880-84882 - These sections relate to recomputation of allowances. None of them expressly state any duties or responsibilities of the Chancellor; however, it could only be the Chancellor that would make these recomputations.

Comment: We have never yet used these provisions. The section 84882 refers to other Education Code sections which have been repealed or are now outdated. AB 1648 would technically amend section 84882.

Recommendations: Section 84882 should be amended so that the references to section 14030 are charged to 14020, so that reference to section 84819 is charged to section 84850, and so that subsections (c) and (d) are deleted.

308. EC 84890-84897 - These sections relate to the flexible calendar pilot project for community colleges. Sections that establish responsibilities for the Board and Chancellor's Office are as follows:

EC 84890 requires the Board of Governors to monitor and evaluate the cost and benefits of experimental, nontraditional calendars to be undertaken in the pilot districts and report its findings to the 1977-78 regular session of the Legislature. The Board is further authorized to waive specified Education Code provisions in relation to these pilot projects.

EC 84893 requires the Board, in cooperation of the Department of Finance, to develop certain divisors for purposes of the contact hours of enrollment.

EC 84895 requires the Board to adopt rules and regulations implementing these provisions.

Comment: The Board has adopted regulations implementing these sections in Title 5, sections 55700-55731. A report on the flexible calendar project was provided to the Legislature in August of 1977. There has been no final report or recommendation with respect to implementing the project on a statewide basis. Such recommendations, if any, could be worked into the Finance Study.

Recommendation: A brief final report on the flexible calendar project should be prepared, and any recommendations made therein should be included in the Finance Study.

309. EC 84900-84909 - These sections established the Community College Emergency Finance Act of 1978 (SB 154 - Chapter 292, Statutes of 1978).

EC 84902 requires the Controller to disburse funds upon order of the Chancellor.

EC 84904 requires the Chancellor to distribute $260 million in state surplus monies so that each district receives the same percentage of its target budget after deducting specified sums.

EC 84905 authorizes the Chancellor to allocate up to $15 million for "special needs," pursuant to rules and regulations adopted by the Board of Governors.

EC 84907 authorizes the Chancellor to waive EC 79002, the 175-day rule.

Comment: We have complied with the provisions of these sections.

Recommendation: None

310. EC 85001 - Each year, on or before August 15th, districts are required to prepare a statement of all receipts and expenditures of the district for the preceeding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year. These statements are to be on a form prescribed by the Board of Governors.

Comment: We have developed such forms, and districts are reporting.

Recommendation: None

311. EC 85003 - This section requires the publication budget, which is on budget forms prescribed by the Board of Governors, to be published by the county superintendent of schools.

Comment: We do not provide such forms. AB 1648 would make a technical amendment to this section.

Recommendation: None

312. EC 85021 - This section requires that the adopted annual financial and budget report of the community college district shall show, specified by the Chancellor's Office, a statement of the proposed expenditures and of the estimated revenues for the ensuing fiscal year, together with a comparison of each item of revenue and expenditures, with the actual revenues and expenditures of the fiscal year just completed.

Comment: None

Recommendation: None

313. EC 85022 - This section requires each annual financial and budget report to made in quintuplicate as the form is prescribed by the Chancellor's Office.

Comment: None

Recommendation: None

314. EC 85023 - This section requires districts to file a final budget with the Chancellor on or before August 8th. The county superintendent, on or before August 15th, must approve this budget, and file one copy with the Chancellor's Office.

Comment: None

Recommendation: None

315. EC 85024 - This section provides that if a district refuses or neglects to make a budget as prescribed by the Chancellor's Office, the county superintendent of schools may not make any apportionments of state or county money to the particular district.

Comment: None

Recommendation: None

316. EC 85200 - This section prohibits a district from expending any more than the total amount budgeted in a particular classification of district expenditures. The Board of Governors is required to develop budget forms which indicate such expenditure classifications.

Comment: We are in compliance with this section. AB 1648 would technically amend this section.

Recommendation: None

* 317. EC 85241 - This section authorizes districts to issue payroll orders, rather than issuing single orders for the payment of salaries or wages of employees. The form of such orders must be approved by the Chancellor.

Comment: It does not seem necessary for the Chancellor to approve such orders.

Recommendation: The Chancellor's approval role in this section should be deleted.

* 318. EC 85260 - This section authorizes the county superintendent of schools, with the approval of specified parties, including the Board of Governors, to establish a separate payroll procedure for drawing separate payroll warrants in the names of individual employees.

Comment: The Board of Governors does not need to have an approval role with respect to this section. The extent to which districts are in compliance with this section is not know. AB 1648 would technically amend this section.

Recommendation: The Board's approval role should be deleted from this section.

* 319. EC 85261 - This section authorizes districts, with the approval of the Board of Governors, to have drawn all warrants on the county treasurer against all the funds except that service of the district in the county treasury in payment of the expenses of the district. Districts must file a written application to the county superintendent of schools on a form provided by the Board of Governors. The county superintendent forwards the districts application, together with recommendations to the Board of Governors who must approve or disapprove the application.

Comment: This section is unnecessary in light of EC 85266, which was enacted subsequent to this section. There is no salient reason that the Board of Governors should have an approval role with respect to such warrant procedures.

Recommendation: This section should be repealed.

* 320. EC 85262 - This section makes certain Government Code sections applicable to any warrant issued pursuant to EC 85261.

Comment: If EC 85261 is repealed, this section should also be repealed.

Recommendation: This section should also be repealed.

* 321. EC 85263 - This section authorizes governing boards, with the approval of the Board of Governors, to have drawn all warrants on the county treasurer against all the funds of the districts and the county treasury, except debt service, in payment of the expenses of the district. Districts must file their written application with the Board of Governors on a form prescribed by the Board. The Board is required to make a survey of the district's accounting controls, using an independent certified public accountant or public accountant. The Board is required to approve or disapprove such applications, and to take specified steps in the event of disapproval.

Comment: This section does not differ substantially from Education Code 85261, except that the county superintendent has less of a role. Again, this section is unnecessary in light of Education Code 85266.

Recommendation: This section should be repealed.

* 322. EC 85264 - This section makes certain provisions of the Government Code applicable to any warrant issued pursuant to EC 85263.

Comment: None

Recommendation: This section should be renumbered to 85267, and references to 85263 should be changed to 85266.

323. EC 87101-87106 - These sections relate to affirmative action hiring practices in community colleges (SB 1620 - Chapter 766, Statutes of 1978).

EC 87102 requires districts to submit to the Chancellor an affirmation of compliance with provisions of these sections not later than January 1, 1980.

EC 87103 requires the Chancellor to render assistance to districts in developing and implementing affirmative action employment programs.

EC 87104 also requires the Chancellor to provide assistance to colleges, and to report to the Legislature, by July 1, 1980, regarding the number of districts which have adopted and are maintaining affirmative action programs. The Chancellor is also required to develop and disseminate guidelines for implementing affirmative action programs.

EC 87105 requires the Board to adopt rules and regulations to carry out these sections.

Comment: The Board has adopted such rules and regulations in Title 5, sections 53000-53004.

Recommendation: None

324. EC 87200-87347 - These sections relate to credentials for community college personnel. Generally speaking, the Board has numerous duties with respect to the issuance, denial, and revocation or suspension of credentials. These duties will be separately identified below.

Comment: Much more of the credential responsibilities could be assigned directly to the Chancellor, rather than to the Board of Governors. That is, the Board should establish the criteria for issuance, denial, revocation and suspension of credentials, and the Chancellor could fully administer these functions. There would be no appeal of individual cases to the Board of Governors; rather, the Board would only consider regulation changes in terms of the requirements for a credential, or the criteria for denial, suspension or revocation of a credential. In this manner, the Board would not need to become involved in hearing individual actions relating to denial, suspension or revocation of credentials.

Recommendation: The proposal discussed above should be considered by the recently established credentials task force.

* 325. EC 87200 - This section establishes legislative intent that nothing in these provisions on credentialing shall be construed as preventing districts from hiring teacher aides, instructional aides, or teacher assistants. The Board of Governors is authorized to study the various roles of such paraprofessionals, and routinely report its findings.

Comment: We have never studied the role of such paraprofessionals. It's probably not necessary for this authorization to be in the statute, as the Board, under its general powers, could undertake such a study. AB 1648 would repeal this section and reenact it as section 87360.

Recommendation: The sentence relating to Board study should be deleted from this section.

* 326. EC 87214 - This section requires persons granted a credential to take an oath of allegiance, which is filed with the Board of Governors. Upon the violation of any of the terms of the oath, the Board is required to suspend or revoke a credential which has been issued.

Comment: Such oaths are being filed with this office. We don't have any procedure for revoking or suspending credentials when a violation has occurred; nor do we have a method of determining when a violation has occurred.

Recommendation: The last sentence of this section should be amended to require the Board to suspend or revoke the credential upon proof of a violation of the terms of the oath.

* 327. EC 87216 - This section authorizes the Board of Governors to require a certificate from a physician or surgeon showing the credential applicant is free from any contagious and communicable disease or other disabling disease or defects unfitting the applicant to instruct or associate with students.

Comment: We have never required such certificates. This should be something that should be the responsibility of a local district prior to hiring an individual. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

328. EC 87219 - This section requires the Board of Governors to adopt regulations requiring every applicant for a credential to submit reasonable evidence of identification and good moral character.

Comment: The Board has adopted such regulations in Title 5, sections 52130-52141.

Recommendation: None

329. EC 87220 - This section requires each credential applicant to submit fingerprint cards with his or her application for a credential. The Board is required to adopt such regulations as need be necessary for such fingerprint cards.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52130-52135.

Recommendation: None

330. EC 87221 - This section authorizes the Board of Governors to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a credential. The Board, upon written requests of any private school authority, is required to release data relative to the identification or fitness of any credential applicant.

Comment: None

Recommendation: None

331. EC 87226 - This section requires the Board of Governors to establish regulations pertaining to the expiration dates of initially issued and renewed credentials.

Comment: We are in compliance with this section. Most credentials issued by the Board are life credentials. Title 5, section 52057 probably meets the requirements of this section.

Recommendation: None

332. EC 87227 - This section specifies that each credential issued by the Board shall clearly state the kind of service that it authorizes, and shall have other content as the Board of Governors may prescribe.

Comment: We are in compliance with this section. Title 5, section 52081 sets forth the required content of credential documents.

Recommendation: None

333. EC 87228 - This section requires that each credential shall contain its date of expiration, shall be issued on a form prescribed by the Board, and shall bear the signatures of the secretary and chairman of the Board, or their facsimile signatures.

Comment: We are operating in compliance with this section.

Recommendation: Reference to the chairman of the Board of Governors should be changed to President.

334. EC 87230 - This section provides that whenever satisfactory proof is presented to the Board that a person's credential has been lost or destroyed, the Board is required to issue a new credential of the same kind, grade, character, and tenure as that lost or destroyed. The Board is authorized to charge a fee for such replacement.

Comment: None

Recommendation: None

335. EC 87232 - This section provides that any oath required of an applicant for a credential may be administered by any other persons enumerated in EC 60, or by such employees of the community colleges as the Board may designate.

Comment: We have not designated persons to administer oaths.

Recommendation: None

336. EC 87250-87257 - These sections relate to the jurisdiction of the Board of Governors, Commission for Teacher Preparation and Licensing, and State Board of Education over community college credentials. In 1967, the Board of Governors succeeded to the powers of the Board of Education in relation to the certification of personnel, in grades 13 and 14. In order to make this succession of power effective and to clarify the authority of each of these bodies, the Legislature provided this clarification. Sections which establish powers or duties of the Board of Governors are as follows:

EC 87250 states the intent that the Board of Governors succeeds to the powers of the Board of Education in relationship of certification of personnel in community colleges.

EC 87252 states that authority over credentials that authorize service in both grades 13 and 14 and other grades shall be divided between the Board of Governors and the Board of Education or the Commission for Teacher Preparation and Licensing. The Board of Governors has the authority to issue, suspend, revoke, or take any other action on such credentials in relation to their authorization for service in grades 13 and 14.

EC 87257 encourages the Board of Governors and the Board of Education or the Commission for Teacher Preparation and Licensing to maintain similar as possible, the requirements for credentials issued by either of them. Each of these governing bodies is required to keep the others fully informed from actions taken.

Comment: We are operating in compliance with these sections.

Recommendations: None

337. EC 87270 - This section authorizes the Board of Governors or Commission for Teacher Preparation and Licensing to enter into a written agreement pursuant to which the department or Commission shall perform administrative tasks relating to credentials and certificates of qualification issued by the Board.

Comment: We once entered into such an agreement with the Department of Education, but it is no longer operative. This section is unnecessary in that we already have the authority to enter into an interagency agreement if we desire.

Recommendation: This section should be repealed.

338. EC 87271 - This section establishes the Community College Credential Fund in the State Treasury. It further states legislative intent that fees levied for the issuance of credentials shall be sufficient to offset the cost of all activities of the Board, including the committee of credentials and any services provided by the Department of Education.

Comment: The fees levied are currently sufficient to cover the cost of all credentialing activities. However, within a few years the fees will probably be insufficient.

Recommendation: None

339. EC 87272 - This section requires fees to be levied by the Board for the issuance and renewal of credentials. In no case shall the fee exceed $20 without express legislative approval.

Comment: We are currently charging $20 for credential fees. If this fee soon won't be sufficient to cover the cost of credentialing, we will need to amend this section to allow a fee of higher than $20. We should coordinate efforts with the Commission, which is currently considering a legislative change in its $20 maximum fee.

Recommendation: None

340. EC 87273 - This section authorizes the Board of Governors to refund any fee or excess amount of fee paid when the applicant does not qualify for a credential.

Comment: We currently only provide refunds of excess fees paid (those over $20.00); we do not provide any refund when the individual does no qualify for a credential.

Recommendation: None

341. EC 87274 - This section establishes the basic requirement that an individual employed by a community college as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker shall be required to possess a credential. The Board is authorized to prescribe regulations which set the standards as to equivalency and the standards for professional, vocational training, or experience or any combination thereof, for credentials.

Comment: The Board has adopted such regulations in Title 5, sections 52000-52854.

Recommendation: None

342. EC 87275 - This section sets forth the minimum requirements for a community college instructor credential. One method of obtaining such a credential is to have professional or vocational training or experience or any combination thereof, that meets regulations adopted by the Board of Governors.

Comment: The Board has adopted such regulations in Title 5, sections 52220-52225.

Recommendation: None

343. EC 87276 - This section requires an instructor credential to be issued by the Board if the applicant meet the requirements of the statute.

Comment: We are operating in compliance with this section.

Recommendation: None

344. EC 87278 - This section establishes minimum requirements for the supervisor credential. One method of obtaining such a credential is to meet the requirements of professional or vocational training or experience, or any combination thereof, established by Board regulations.

Comment: The Board has adopted such regulations in Title 5, sections 52250-52262.

Recommendation: None

345. EC 87279 - This section requires a supervisor credential to be issued by the Board of Governors following a determination that the applicant meets the requirements of statute.

Comment: We are operating in compliance with this section.

Recommendation: None

346. EC 87282 - This section requires the Board of Governors to issue a chief administrative officer credential to applicants who meet the requirements of statute.

Comment: The Board has adopted regulations to implement this section in Title 5, sections 52300-52311.

Recommendation: None

347. EC 87285 - This section requires that a librarian, counselor, or student personnel worker credential shall be issued by the Board following a determination that the applicant meets the requirements of statute.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52350-52461.

Recommendation: None

348. EC 87288 - This section prohibits the Board from denying a credential to an otherwise qualified applicant on the grounds that he or she is totally or partially blind.

Comment: None

Recommendation: None

349. EC 87289 - This section authorizes the Board of Governors to deny a credential to persons who have committed specified acts.

Comment: This section is known as the "discretionary denial" section. We are complying with it.

Recommendation: None

350. EC 87290 - This section requires the Board of Governors to deny an application for a credential if the applicant has committed specified acts.

Comment: This section is known as the "mandatory denial" section. We are complying with it.

Recommendation: None

351. EC 87291 - This section essentially prohibits the Board of Governors from invalidating a credential which was issued prior to November 10, 1969, simply because the Board of Governors, after that time, took over jurisdiction of credentials for community colleges.

Comment: None

Recommendation: None

352. EC 87292 - This section provides that a provisional credential may be issued in accordance with regulations adopted by the Board of Governors. The Board is required to establish minimum standards for such credentials. This section also authorizes limited service credentials to be issued in accordance with regulations adopted by the Board of Governors. The Board is also to establish minimum standards for these credentials.

Comment: The Board has adopted regulations for provisional credentials in Title 5, sections 52525-52534, and regulations for limited service credentials in Title 5, sections 52550-52575. These regulations are in compliance with this section, and we are granting such credentials pursuant to these provisions. We do not monitor and review these provisions, however.

Recommendation: None

* 353. EC 87294 - This section provides that a credential issued by the Board may identify the subject area authorization and the extent or type of service permitted, in accordance with such requirements as the Board may authorize.

Comment: This section is not necessary in light of Education Code 87227.

Recommendation: This section should be repealed.

354. EC 87295 - This section requires the Board of Governors, by regulation, to establish minimum standards authorizing service for instructors of classes for adults.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52600-52602.

Recommendation: None

355. EC 87297 - This section authorizes the Board of Governors to issue various community college credentials to persons who have partially fulfilled the minimum requirements for such credentials. The Board is authorized to establish the requirements for granting such credentials, as well as the period of time within which the requirements for the credential must be completed.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52475-52506.15. These regulations and our practices are in compliance with this section.

Recommendation: None

356. EC 87298 - This section requires the Board of Governors to issue a health services credential to applicants who have met the statutory criteria.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52425-52433.

Recommendation: None

357. EC 87299 - This section authorizes the Board of Governors to issue an eminence credential to a person who has met the statutory requirements. The Board is required to adopt criteria for determining eminence. The actual determination of eminence is to be made by the district board, specified faculty and the college administration. If these parties cannot concur on eminence, the determination is to be made by a statewide committee representative of the administration, boards, and faculty appointed by the Board of Governors.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52575-52581. There has never been an instance where the stateside committee has been necessary.

Recommendation: None

358. EC 87330 - This section requires the Board of Governors to suspend a credential for a period of up to one year if a person in a position requiring certification qualifications refuses, without a good cause, to fulfill a valid contract of employment.

Comment: None

Recommendation: None

359. EC 87331 - This section requires the Board of Governors to revoke or suspend a credential for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, or for any cause which would have warranted the denial of an application for a credential, or for evident unfitness for service.

Comment: None

Recommendation: None

* 360. EC 87332 - This section provides that whenever the holder of a credential issued by the Board is charged with immoral or unprofessional conduct or evident unfitness for service, the Board of Governors, in its discretion, after notifying the person charged of its intention to do so, may require the county board of education to conduct a hearing on the charges against the holder. Upon receipt of the county board's findings, the Board of Governors may suspend or revoke the credential.

Comment: We have never requested county boards of education to conduct such hearings. They are unwilling to assume the expense.

Recommendation: This section should be repealed.

361. EC 87333 - This section requires the Board of Governors to revoke any credential which it has issued whenever the holder of such credential requests the Board that it revoke that credential.

Comment: None

Recommendation: None

362. EC 87334 - Upon a final conviction of the holder of any credential issued by the Board of specified Penal Code crimes, the Board is required to revoke such credentials.

Comment: We are in compliance with this section.

Recommendation: None

363. EC 87335 This section requires that whenever the holder of any credential issued by the Board of Governors has been convicted of a "sex offense" or "narcotics offense" (both as defined in the Code), the Board shall suspend or revoke such credential, depending on whether the conviction is final or not.

Comment: We are in compliance with this section.

Recommendation: None

364. EC 87336 - This section provides that whenever the holder of a credential issued by the Board is determined to be a sexual psychopath, the Board is required to either suspend or revoke the credential, depending on whether the determination is final or not.

Comment: None

Recommendation: None

365. EC 87339 - This section provides that all charges of immoral or unprofessional conduct, or evident unfitness for teaching, shall be presented to the Board in writing and shall be verified under oath.

Comment: None

Recommendation: None

366. EC 87342 - This section provides that the hearing on immoral or unprofessional conduct, or evident unfitness for teaching shall be governed by and conducted under the rules of the Board of Governors.

Comment: The Board has adopted rules and regulations for its own hearings in Title 5, sections 52700-52724. It has not adopted rules for hearings which will be conducted by the county boards of education. We could make our own rules applicable to these hearings. Education Code 87337-87347 seem to mix hearings of the Board of Governors and hearings of the county boards of education. The provisions are confusing.

Recommendation: None

* 367. EC 87408 - This section provides that when a district wishes to employ a person in a position requiring a credential and that person has not previously been employed in a position requiring certification, a medical certificate, in such form as prescribed by the Board of Governors, must be filed, showing that the applicant is free from any disabling disease unfitting the applicant to instruct or associate with students. The Board of Governors is required to adopt rules and regulations to implement this section.

Comment: We have not adopted regulations to implement this section. We have not provided the form required by this section. AB 1648 would repeal this section.

Recommendation: This section should be amended so as to delete both of these Board responsibilities.

* 368. EC 87412 - This section requires the county superintendent of schools to be given immediate notice in writing by district governing boards whenever a person has been employed in a position requiring a credential. The notice shall include any information prescribed by the Board of Governors, and regulations which they are authorized to adopt.

Comment: The Board has not adopted regulations specifying what information must be contained in such notice. AB 1648 would repeal this section.

Recommendation: The Board's role with respect to adopting regulations should be deleted.

* 369. EC 87422 This section provides that the governing board of a district, subject to rules and regulations of the Board of Governors, may enter into an agreement with authorities of a foreign country, or any state or territory in the United States, or other district within the state, for the exchange and employment of regularly credentialed employees. The Board is further authorized to establish minimum standards for the credentials for "exchange certificated employees."

Comment: We issue exchange credentials pursuant to this section, although we have not established minimum standards for such credentials. The Board considered adopting such standards several years ago. No Title 5 regulations were adopted because it was felt they were not needed. We do not charge a fee for such credentials. In granting such credentials we apply the same standards that we apply for other credentials. AB 1648 would technically amend this section.

Recommendation: Reference to regulations of the Board should be deleted.

* 370. EC 87425 - This section authorizes community college districts to hire bilingual instructors employed in the public or private schools of any foreign country, state, territory or possession for the purposes of providing bilingual instruction, foreign language instruction, or cultural enrichment. The Board of Governors is required to establish rules and regulations to implement this section, and requires that any such "sojourn certificated employee" must have a credential issued by the Board of Governors. The Board is required to establish minimum standards for the credentials for sojourn certificated employees.

Comment: The Board has not established regulations or minimum standards for the credentials for sojourn certificated employees. No applications for such credentials have ever been filed.

Recommendation: The standards and regulations do not appear to be needed. This section should be repealed.

* 371. EC 87433 This section provides that the qualifications of a home instructor shall be a valid instructing credential issued by the Board of Governors and special fitness to perform the duties of a home instructor.

Comment: There is no such person as a home instructor anymore. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

* 372. EC 87434 This section provides that the qualifications of a home instructor of physically handicapped students shall be a valid teaching credential or a credential authorizing the teaching of exceptional students in an area of specialized preparation issued by the Board of Governors.

Comment: There is no such person as a home instructor of phsycially handicapped students anymore. AB 1648 would repeal this section.

Recommendation: This section should be repealed.

* 373. EC 87710 - This section requires community college districts to allow each full time instructor one duty-free lunch period each day in the manner and at the time prescribed by regulations of the Board of Governors. The Board is to adopt rules and regulations fixing the duration of the duty-free lunch period, the time of day when the period is granted, and the conditions under which the duty-free lunch period is allowed.

Comment: We have not adopted such regulations. AB 1648 would repeal this section.

Recommendation: This section should either be repealed or the provisions which require the Board to adopt regulations should be deleted.

* 374. EC 87713 This section requires each community college president to make an annual report, on forms furnished by the Board of Governors, to the county superintendent of schools.

Comment: This section does not specify what is to be contained in the report. AB 1648 would repeal this section.

Recommendation: This section should be repealed, or amended to specify what is to be contained in the report. Also, the Board's obligation to provide forms should be deleted from this section.

375. EC 87714 - This section requires each general superintendent of community colleges to make an annual report to the county superintendent of schools on forms furnished by the Board of Governors, which report shall include an affidavit that all employees in positions requiring certification qualifications were properly certificated.

Comment: The Board does not furnish such forms; district superintendents use their own. AB 1648 would repeal this section.

Recommendation: References to the general superintendent should be changed to chief administrative officer, and the requirement for the Board to furnish forms should be deleted.

* 376. EC 87768. This section provides that a district granting a leave of absence to an instructor may, subject to rules and regulations of the Board of Governors, prescribe the standards of service which shall entitle the employee to the leave of absence.

Comment: The Board has not adopted regulations pursuant to this section. With collective bargaining, Board should probably not be involved with this. AB 1648 would repeal this section.

Recommendation: The Board's responsibility with respect to rules and regulations should be deleted.

377. EC 87782 This section provides for transfer of sick leave for an employee who has transferred from one district to another district. The Board is required to adopt rules and regulations prescribing the manner in which the total amount of leave of absence for illness or injury is to be transferred.

Comment: The Board has adopted a regulation implementing this section in Title 5, section 53125.

Recommendation: None

378. EC 87810 This section provides the means by which attendance claimed using an instructor who is not certificated can be made fully legal for purposes of apportionment. The district must apply for the validation of this attendance, and the Board must approve it in accordance with rules and regulations it is required to establish.

Comment: The Board has adopted regulations implementing this section in Title 5, sections 52850-52854. We regularly validate service pursuant to this section. AB 1648 would repeal this section and reenact it as section 87849.

Recommendation: None

* 379. EC 87860-87864 - These sections pertain to instructor preparation. They require, generally, that after July 1, 1974, each school with a substantial population of students of diverse ethnic backgrounds shall provide an in-service preparation program designed to prepare instructors and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students in their environment. Provisions which establish specific responsibilities for the Board of Governors are as follows:

EC 87861 requires the Board of Governors to develop a list of approved courses which shall be considered acceptable for meeting the requirements of these sections. The Board must publish and distribute this list to interested instructors, administrators, and governing boards of districts. The Board is further responsible for coordinating the efforts of community college districts and colleges to develop adequate course offerings to satisfy the requirements of these sections.

EC 87862. This section requires districts to develop their programs cooperatively with the Board of Governors, and with the prior approval of the Board.

EC 87863 requires the Board to provide in its budget for the necessary funds to employ appropriate staff to implement the intent of these provisions.

EC 87864 requires the Board to make a progress report to the Legislature not later than the 5th legislative day of the 1972 regular session. Another report is due in the 1974 regular session. Finally, the Board is required to continually evaluate the results of these provisions.

Comment: This office has not prepared the list of approved courses. We have not cooperated with districts in establishing these programs, nor have we coordinated their efforts. We do not provide in our budget for funds to do these activities. And finally, there is no evaluation of these provisions, generally.

It is highly probable that these sections were mistakenly placed into Title 3 of the Code when it was reorganized. They were formerly sections 13344 et. seq., which were added in 1969. They were only meant to be applicable to K-12. AB 1648 would repeal these sections.

Recommendation: These sections should be repealed.

* 380. EC 88069 This section provides that in a district which has already adopted provisions of the merit system on September 17, 1965, members of the personnel commission shall continue to be appointed alternately by the Board of Governors and the executive officer of the State Personnel Board, each of whom may consider the recommendation of the governing board and other interested parties.

Comment: We are operating in compliance with this section. There are three districts involved.

Recommendation: The Board of Governors should delegate this respon--sibility to the Chancellor.

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